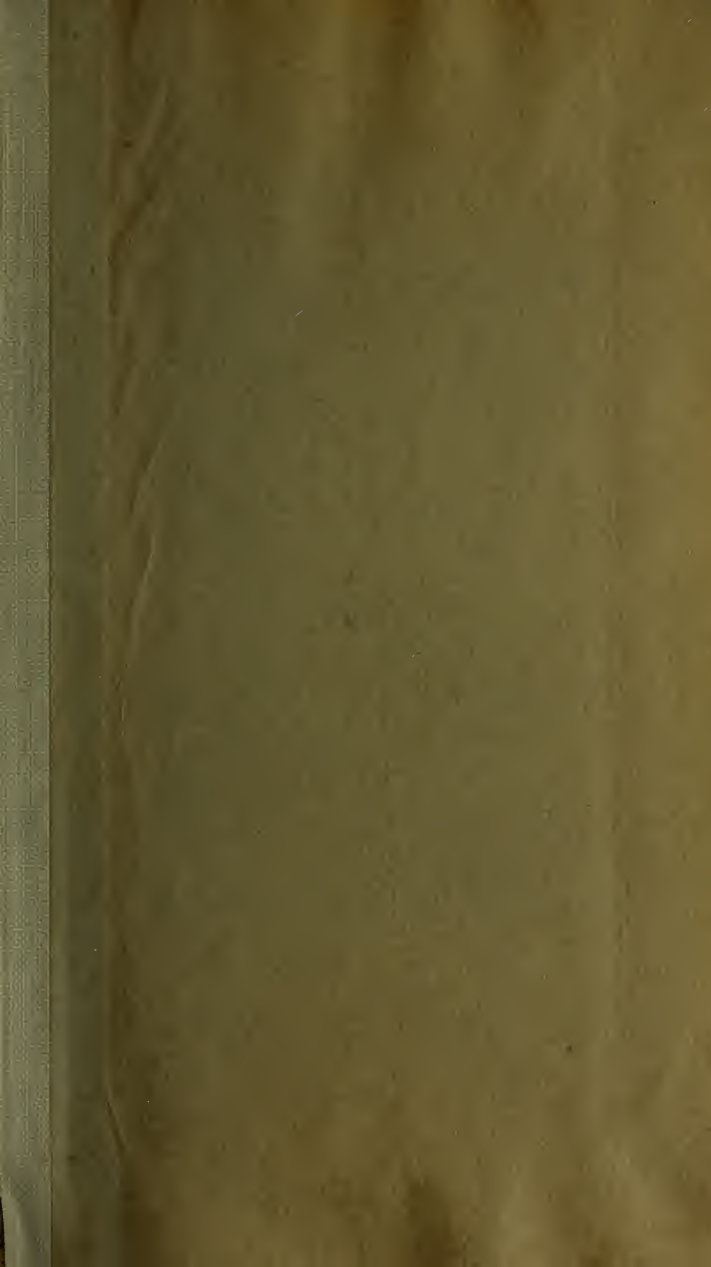
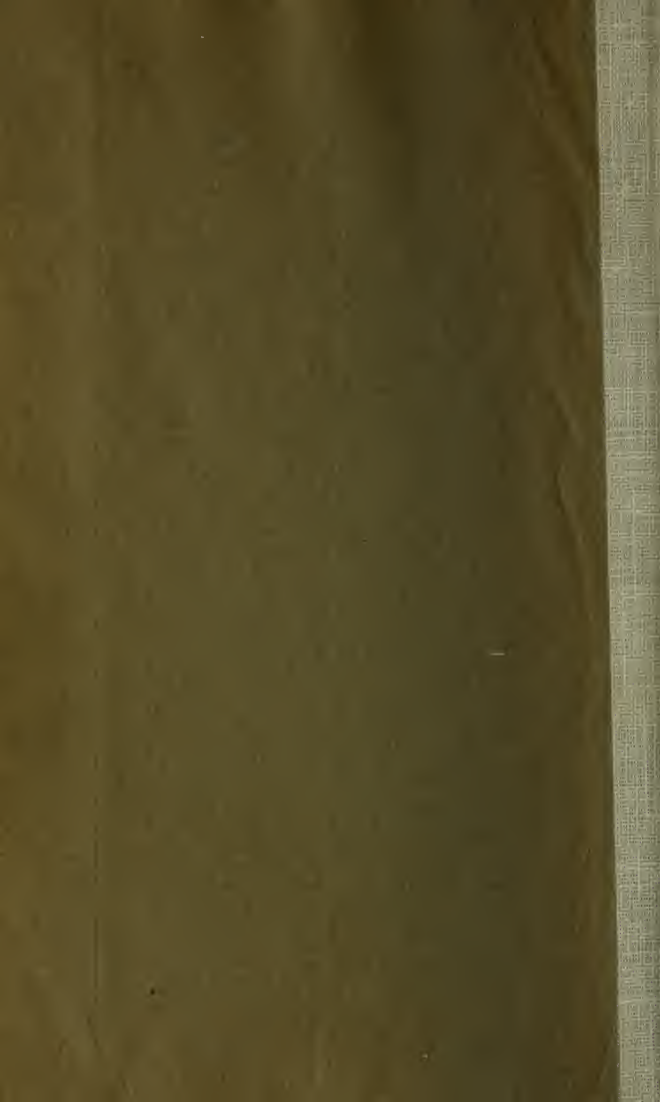


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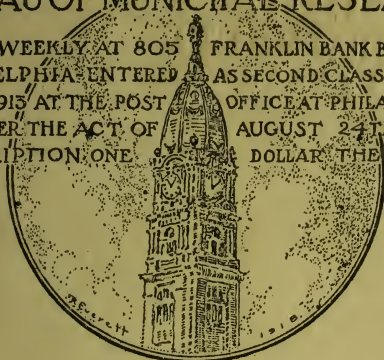


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CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

ISSUED WEEKLY AT 805 FRANKLIN BANK BUILDING
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Municipal Street Cleaning Hails the New Year

University of Illinois Library,

Urbana,

Ill.

No. 450

January 6, 1921

With the inauguration of municipal street cleaning in a part of the city, we present a review of the entire street cleaning problem in order to assist our readers to a fuller understanding of the issues involved.

Beginning with the new year municipal street cleaning has been started in the central district of Philadelphia. For the first time in at least forty-six years municipal forces are being employed to clean the streets and to collect refuse.

Extent of the Municipal Work Initiated

The city area is now divided into thirteen street cleaning districts. Districts 5 and 6 are under municipal operation. They comprise the area from Columbia Avenue to South Street between the two rivers. In this section the streets are being cleaned and the ashes, rubbish and garbage collected by municipal forces. In each of the remaining eleven districts the streets are being cleaned and the ashes and rubbish collected by one contractor who holds a contract for the year 1921, while the garbage is being collected under a separate one year contract. While only two out of thirteen street cleaning districts have municipal street cleaning this year, the work involved in these two districts equals nearly one quarter of the total city work and includes the most frequented portion of the city, the retail business district.

Much Hinges on the Results

While the Bureau of Municipal Research has always contended that on general principles alone municipal street cleaning was preferable to contract performance, this view has not yet been entirely accepted among those who have the authority to shape

the city's policy. For that reason the results of the municipal operation now just begun will be closely watched by both friend and foe of the municipal street cleaning idea. While, in view of the fact that all other large American cities are employing municipal forces, it is incorrect to speak of this initial municipal undertaking as an experiment, it is, nevertheless, the opening wedge in Philadelphia and it is extremely important that the undertaking should meet with success.

Citizens will quite naturally form opinions of the merits of this municipal work, and these opinions will have a certain weight in the determination of the type of work to be employed *after the year 1921*. It is very important, therefore, that the results of the work should not be prematurely judged. It should be remembered in this connection *that service, not cost*, is the primary guiding principle in appraising this kind of work. Accordingly, cost comparisons between street cleaning activities in contract and municipal districts are worthless unless correlated with the amount of work performed and the quality of the results obtained.

A Resumé of the Street Cleaning Issue

With very few exceptions, the people of Philadelphia are in favor of cleaner streets, but not all of them are agreed as to the means of accomplishing this object. Some advocate municipal street cleaning as the cure-all; others have no confidence in attempting to secure results by municipal labor; while

still others contend that Philadelphia will never have clean streets, regardless of the policy adopted for cleaning them, until certain other difficulties are overcome.

Lessons from the Past

We learn from histories of Philadelphia that the care of the streets has always been a difficult problem. Space permits only a hasty review of the ups and downs in the work of cleaning the streets. A hundred years ago this work was largely done by contract, but from 1826 to 1840 the municipal corporation undertook to do its own street cleaning, and historians relate that during this time the old city was famous, both at home and abroad, as being the cleanest city in America.

Immediately following the act of consolidation of 1854 which brought all of Philadelphia county within the city limits, the street cleaning was done by city forces under the highway department and later under a separate street cleaning department. There seems to have been dissatisfaction with the results of the work by municipal forces and contract work was introduced about 1866 and was made obligatory by an act of assembly in 1874. But contract work brought with it the still more elusive problem of enforcing the provisions of the contract and the administrative responsibility was continually shifted by act of assembly or by ordinance. Even since 1885, when the department of public works was established, there have been four changes in the

bureau entrusted with the responsibility for handling this work.

It is interesting to note in passing over this record that the duties of the administrative officer as defined by ordinance fifty years ago were "*to overlook and supervise the work of the contractors.*"

Municipal Work Given Preference by the New Charter

The act of assembly of May 23, 1874 stated that all work required by the city should be furnished under contract to be given to the lowest responsible bidder. This law effectually blocked all efforts to eliminate contract street cleaning, until it was superseded in regard to street repair and cleaning work by the provisions of the act of June 25, 1919, the new charter bill.

The new charter provides that the cleaning of the streets and the collection and disposal of city refuse shall be performed by city forces unless contract work in whole or in part shall be authorized by a vote of a majority of the entire council with the approval of the mayor. Authority is also given to the city to contract for long terms without being forced to make an appropriation in advance sufficient to cover the entire contract period. The appropriation requirement has stood in the way of long term street cleaning contracts heretofore.

There are several significant facts about the new street cleaning law. In the first place it destroys the rigidity of the act of 1874 which permitted only

contract performance and empowers the city to determine its own policy at any time. This provision will doubtless be of marked advantage to the city in the work of refuse disposal. In the second place the preference of the law is thrown to the side of municipal operation which must be employed unless expressly set aside by concurrent action of the council and the mayor.

The Engineering Survey of 1920

The charter directed that the provisions just described were to be made effective January 1, 1921. The new administration on taking office January 5, 1920 inherited contracts for street cleaning for the year 1920 but had a full year ahead for planning a program for 1921. Valuable time was lost in the early months of the year and it was not until May 3 that a special appropriation was available to carry on an engineering survey of the street cleaning situation. The work was further delayed by the death of the new director of public works in May, and the delay in the appointment of his successor until July.

A special force of workers was engaged by the department to collect and assemble the necessary physical facts so that the work for 1921 could be more intelligently planned than heretofore. The survey also included a trip of inspection by a committee of three engineers to fifteen of the larger American cities to determine the method of performance of street cleaning work in those cities as well as to benefit from their experiences in formulating a program for 1921.

Municipal Street Cleaning the First Step to Clean Streets

It was the unanimous recommendation of the three engineers that street cleaning and refuse collection work should be performed directly by the city and it was unanimously recommended that municipal work be begun in 1921. Their report pointed out that refuse disposal work is of a different character, and can be effectively handled by contract performance under certain conditions.

The engineers' report showed that all large American cities except Philadelphia clean their streets by municipal forces, while in a majority the refuse is municipally collected. The advantages and disadvantages of both municipal and contract performance in street cleaning are clearly set forth in the report. Contract work which can be advantageously applied to many forms of municipal improvement work, e. g. the erection of buildings, laying of water and sewer pipe, and the paving of the streets, is shown to be not the proper method of performance in street cleaning for the reason that the two underlying essentials for work by contract are absent—the work is not definitely specifiable and not adequately inspectable. It is necessary not only to specify how frequently a street must be cleaned but to indicate how thoroughly it shall be cleaned. Unfortunately standards of cleanliness cannot be formulated, and there are always grounds for debate between the contractor and the administrative officials or inspectors.

Municipal street cleaning is the first step to clean streets in Philadelphia, but not the only step necessary, as will be pointed out hereafter.

The Program for 1921

On September 21, 1920 the mayor forwarded to council a report by the director of public works which summarized the investigation of the street cleaning and refuse disposal services, together with the full text of the engineers' report. These reports are printed in Appendix 124 to Volume II of the Journal of Council for 1920.

The director's report asserted that it was impossible to assume all these functions on January 1, 1921 because of financial and equipment problems involved. Accordingly, he recommended that the area from Columbia Avenue to South Street between the two rivers should be taken care of by municipal operation in 1921 while the remainder of the city area should continue to be cleaned by contract. This plan was adopted by ordinance of council approved November 17, 1920.

The director's report did not outline the administration's policy in regard to street cleaning work *after 1921*. In fact, no public statement of policy has been made by the administration except at the conference of women voters in the mayor's office on December 2, 1920 where it is reported the mayor indicated that probably after another year the city would be doing all its street cleaning.

Objections Raised to Municipal Work

Objection has been raised from influential quarters to the inauguration of municipal street cleaning because of unfriendliness to the policy of "municipal ownership." As has been frequently pointed out, municipal street cleaning is *not* "municipal ownership," but is a municipal service of the same general class as police and fire protection. It is of unmeasurable character and its performance is therefore not properly comparable with the operation of public utilities which furnish measured facilities or commodities.

There are doubtless some persons who oppose direct municipal activity because they fear that the working forces will be inefficient and that politics will interfere with the work. In reviewing the street cleaning history of Philadelphia the opinion was stated above that similar objections resulted in contract performance being made obligatory by the legislature in 1874. Municipal street cleaning may or may not be efficient and free from political interference or other evils, but this depends entirely, of course, upon the manner in which it is administered.

After the basic fault in our street cleaning situation has been entirely corrected by a change to municipal work Philadelphia must bend its efforts to the solution of the new but less troublesome problem of efficient administration of the municipal street cleaning organization.

Clean Streets in Philadelphia Inherently a Difficult Problem

The physical conditions in Philadelphia are such as to make the problem of clean streets one of the most difficult, if not the most difficult problem of its kind in any of our larger American cities. A considerable part of the paving is of such a character as to be extremely difficult to clean, while streets with better paving surfaces are in such poor repair that the effectiveness of the cleaning work is dissipated. It can be put down as an axiom, *that Philadelphia will not have really clean streets until it has well paved streets.* It has been estimated that twenty million dollars are needed in the next four years for repaving work on principal thoroughfares. This year the appropriation for repaving is *only one million dollars*, so that but little headway can be made, immediately at least, toward well paved streets.

The almost total absence of team alleys in the residential districts makes it necessary to collect the refuse from the front curb. This fact is in a large measure responsible for the unsatisfactory condition of our streets. Many leaky receptacles are used and the scavengers and the wind cause the rubbish to be scattered around the street. This general condition cannot be entirely eliminated but it can be corrected to a marked extent. Curb collection is a local condition which cannot be avoided, and largely on that account Philadelphians cannot

hope to have clean streets of the kind found, for instance, in Washington, where paved team alleys are found in the rear of nearly all houses.

Educational and Law Enforcement Features

Under the provisions of the act of assembly of June 11, 1915, commonly referred to as the housing and sanitation act, power is given to the board of health to specify the types of refuse receptacles. Such regulations have been promulgated. Covered metal receptacles are specified for garbage, tight receptacles for ashes, while rubbish is required to be securely bundled. The law establishes fines for violations of its provisions and permits imprisonment in default of the payment thereof. By virtue of the act of April 20, 1905, control is given to the city over street littering and the operation of scavengers. Adequate fines are established and they are made collectible by imprisonment.

There are numerous city ordinances which supplement these two acts of assembly, but they are only partially useful because the fines imposed must be collected by suit on the part of the city. This weakness in our ordinances is due to the fact that the legislature does not give power to the city to put teeth in its ordinances except by specific authorization. Additional legislation is probably needed to give the city more complete control over matters pertaining to the streets, but there is sufficient authority imposed by the two acts cited above

to make possible much improvement in existing conditions.

There is in general a marked disregard in Philadelphia for laws and ordinances pertaining to sanitation. In this respect perhaps our city is not much different from many others. In the case of street cleaning and refuse collection, it is quite probable that the adoption of municipal work will result in better cooperation from the public for the street cleaning forces. Under contract operation the careless citizen often excuses his derelictions by the thought that the contractor is paid well enough, and that he does not intend to save money for the contractor. Certainly under municipal operation the citizen ought to be able to see a closer connection between the cost of the work and the extent of litter in the streets.

It is doubtful whether any marked improvement will be obtained in this direction until the municipality inaugurates more comprehensive educational and law-enforcement work along sanitary lines. From the experience of certain other cities it would appear that this work might be best conducted by picked men in police uniform whose primary duty would be to educate the public in these matters but who would make arrests when necessary. The lack of sufficient personnel to attend to violations of the law has probably been an important factor in its inadequate enforcement in the past.

Col. Lee

CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

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The Legislature and Our County Government

University of Illinois Library,

Urbana,

Ill.

No. 451

January 13, 1921

The utility of county government in Philadelphia disappeared about the time horse cars were invented—perhaps earlier. What will the legislature do about it?

WITH the convening of the legislature all eyes turn anxiously toward Harrisburg to learn what is to be done for Philadelphia—or to it. What the legislature intends to do in this connection we do not know; and what it will do we do not venture to predict. A discussion of what it *can* do may be more to the point at this stage of the proceedings.

One Government Too Many

Our crying need is an effective consolidation of the city and county of Philadelphia. County government in the form in which we know it has never been a tolerable instrument even for the administration of rural and primitive communities. A county government ruling a large city would be an anachronism of first rank. But a county government functioning in a city which is as large as the county, and which has its own city government, is sheer absurdity.

Nothing but confusion, waste, inefficiency, and mystification of the tax-payer can be expected in Philadelphia so long as the county finances are not under the control of the city's legislative body—the council. It should be the sole prerogative and responsibility of council, which levies all the taxes, to control the expenditure of every dollar collected. County officers should be shorn of their power to commit the city to financial obligations, and to secure payment by mandamus or by extorting appropriations from council by the threat of mandamus.

Civil Service and Centralized Purchasing

With employees of the city subject to the civil service law no reason can be conjured up that will stand the light of day for continuing the exemption from civil service now enjoyed by county employees. And if it is necessary and proper to forbid political activity by city employees—and who will deny that it is?—is it not equally necessary and proper that county employees be restrained by the same rule?

Further, no public interest is served by the present system of purchases by county departments of their own supplies—probably often in competition with the city. If we must have both city and county, we should at least have their purchasing centralized.

The New Constitution May Help

The most direct method of achieving these results would be to abolish the county of Philadelphia and to transfer the essential functions of the county officers to city officers. It has been noted in our previous bulletins that the Commission on Constitutional Amendment and Revision has recommended that the legislature be given power to abolish county government in counties whose boundaries coincide with the boundaries of a city. Under the present constitution the Legislature has not this power.

The Legislature Can Help

This is not to say that the legislature cannot give Philadelphia centralized purchasing for city and county, a civil service law for county employees, and a fiscal system in which county

officers will be subject to council's control. Probably no objection could be urged against the constitutionality of such laws save that they would conflict with article 3, section 7, prohibiting the enactment of any "local or special law regulating the affairs of counties, cities, etc." It would appear, however, that this conflict can easily be avoided.

The supreme court has sustained the validity of legislation applicable to "cities of the first class" when cities had been so classified that Philadelphia alone fell within the first class. It seems to follow that the same thing could be done with Philadelphia county. In fact the legislature has taken the first step in this direction by declaring in the act of July 10, 1919, P. L. 887, that counties "having a population of one million five hundred thousand inhabitants and over, shall constitute the first class."

Can the Problem be Ignored?

It is to be regretted, of course, that the solution of our problems is left in such large measure to legislators the majority of whose constituencies are not Philadelphians. They have nothing at stake, and in consequence, little interest in what may or may not be done in matters affecting Philadelphia. But in these days when every cent counts, with projects in hand demanding new sources of revenue while the pressure of taxation is at the crushing point, it is difficult to see how the legislature can ignore the useless waste which results from the maintenance of two Philadelphia governments where one would serve.

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CITIZENS' BUSINESS

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New York State Forbids Sinking Funds

No. 452

January 20, 1921

"He gains wisdom in a happy way who gains it by
another's experience."

—Plautus

New York State has had plenty of "experience" with sinking funds—mostly sad. The present state comptroller and his immediate predecessor in that office have recently been indicted for alleged sinking fund irregularities.

IT will be of interest to Philadelphians and other Pennsylvanians to learn of a very important change in the constitution of New York which was adopted by the people of that state on November 2, by substantially a two to one majority. We deferred discussion of this important matter until the official returns of the vote were available, and these returns have just come to hand. In accordance with the requirements, this amendment had previously passed two legislatures.

The amendment, which was known as No. 1, amends Article VII and makes fundamental changes in the fiscal affairs of that great commonwealth. It takes no great stretch of the imagination to see at once that its effect on other American states and cities is destined to be very great.

Serial Bonds Mandatory

The most significant provision in the amendment is the absolute requirement that all debts of the state contracted after January 1, 1920—except temporary loans in anticipation of receipts and those to repel invasion, etc.,—"shall be paid in equal annual instalments, the first of which shall be payable not more than one year, and the last of which shall be payable not more than fifty years, after such debt or portion thereof shall have been contracted."

The language of the amendment would seem to require an equal annual reduction of the *principal*. This plan is very conservative and has certain advantages, notably simplicity, and rapidity of payment of the debt. The major argument against this particular form of serial

bonds is that it requires relatively heavy payments for debt service (principal and interest combined) in the earlier years of the loan, which, because of lessening interest requirements, taper down as the life of the loan advances. There are many who feel, therefore, that it would be better if the legislature were allowed the alternative of adopting the serial plan as prescribed in this amendment, or any form of graded serial plan that does not place a heavier burden on any year for principal and interest of a particular debt than has been borne by any previous year.

No Paying for "Dead Horse"

The same section (section 4) goes on to provide that "No such debt hereafter authorized shall be contracted for a period longer than that of the probable life of the work or object for which the debt is to be contracted,"

New York State had outstanding on March 31, 1920 eighty million dollars in fifty-year highway bonds.

Without going into engineering technicalities about "sub-soil," "foundation" and "surfacing," suffice it to say that the latter represents a considerable part of the cost of roads, and that the reasonable expectancy of life for the most frequently used kinds of surfacing is about fifteen or, say at most, twenty years. It is obviously bad public policy to continue in debt for any work or improvement for a whole generation after it has worn out.*

*The Philadelphia Bureau of Municipal Research has frequently expressed the view that the desirable results sought in this part of the amendment can be simply and effectively secured by accounting means. The constitutional limitation here described, however,

Other Features

In order to keep within the limits of this bulletin, it will be necessary to confine ourselves to mere mention of some of the other gains effected by means of this constitutional amendment. Perhaps we shall be able to discuss some of these at greater length in a later number of CITIZENS' BUSINESS.

One gain is the right to issue loans in anticipation of the collection of revenue, within elastic and liberal limits, to secure cash needed to carry on the state's business.

Another is the permission, under wise and conservative restrictions, to convert existing sinking fund debt into serial bonds.

A third—and extremely important—is a provision for the intelligent absorption of the huge excess reserves or surpluses now in the state sinking funds.

But the most beneficent gain of all is the discarding of a debt-paying method that the best thought and practice in America now regards as obsolete, wasteful and potentially corrupting.

* * * *

New York State's new provision for the gradual absorption of the surplus (excess accumulation) of its existing sinking funds is very much like the plan which the Bureau of Municipal Research has been advocating for the past few years for the gradual absorption of the \$4,000,000 surplus in Philadelphia's sinking funds.

would not interfere with any scientific accounting system. For instance, it could easily be brought into harmony with a system such as we advocated for Philadelphia's charter.

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How the Constitutional Revision Commission Worked

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Urbana,

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No. 453

January 27, 1921

In this number of CITIZENS' BUSINESS are set forth the various steps by which the commission on constitutional amendment and revision has arrived at its final report to the legislature.

NOW that the commission on constitutional amendment and revision has completed its labors and is about to submit its report to the legislature, it may be timely to review briefly the procedure whereby it has arrived at the conclusions embodied in this report.

The commission, consisting of twenty-five representative citizens of Pennsylvania, including two women, was appointed by the governor on November 22, 1919, in accordance with the act of June 4, 1919.

Organization of the Commission

The commission promptly organized on December 9, appointed a secretary, and divided itself into five committees among which the several articles of the constitution were apportioned for consideration. These committees met between sessions of the commission to consider proposals respecting those articles assigned to them and reported their recommendations to the commission. The commission held sessions in the senate chamber at Harrisburg two or three days a week from December 9 to February 11, first sitting as a commission to receive the reports of the sub-committees, and later resolving itself into the committee of the whole for debate upon these reports and for tentative adoption of such sections as were agreed upon. By February 11 the commission had thus adopted a preliminary revised draft of the constitution. It then adjourned until April 6.

The Preliminary Draft

This preliminary draft was printed and given wide circulation throughout the state with the announcement that public hearings would be held in Harrisburg beginning April 6, so that all who desired to appear before the commission might arrange to be heard.

Public Hearings

At the public hearings which were held at Harrisburg in April, the commission was addressed by some

eighty persons, among whom were representatives of about twenty-five civic and other associations. As a result of these hearings, when the commission reconvened on May 11 it was confronted with a calendar containing over six hundred proposed amendments to the preliminary draft.

Preparation of a Second Draft

By eliminating without discussion all amendments entirely lacking in support among its members, the commission was able to dispose of this calendar in a three-day session. Many of the suggestions made at the public hearings were adopted and incorporated in a second draft of the constitution, which was referred to a committee on style.

The Committee on Style

On May 13 the commission adjourned for the summer having instructed the committee on style, consisting of the chairman and five other members of the commission, to go carefully over the material of the second draft and bring in a report containing suggestions for improvement of the language and a better arrangement of the sections. The committee also was instructed to make any recommendations for change of substance that appeared desirable.

The committee on style met at Bedford Springs in June. Following this meeting, the secretary devoted the summer to the preparation of an exhaustive report to the committee, upon which, with some modifications, was based the report of the committee on style which was presented to the commission in November.

Report of the Committee on Style

The report of the committee on style contains a draft of a revised constitution based in substance on the amendments adopted by the commission in May, with an explanation of the rules of style in accordance with which the phraseology and arrangement of the sections were clarified and harmonized in this draft; it also

contained suggestions as to other matters that should be incorporated in the report of the commission to the legislature.

Preparation of Third Draft

On November 9 and 10 the commission, sitting as the committee of the whole, took up the report of the committee on style and, with this as a basis, adopted a third draft which the secretary was instructed to have printed in parallel columns with the second draft and the present constitution.

Final Sessions of the Commission

On December 14 the commission took up the consideration of this volume containing the three parallel drafts, which was placed before it as the report of the committee of the whole. With some further modifications the third draft was adopted as the revised constitution to be recommended by the commission, and on December 15 a draft of the commission's report to the legislature was presented and adopted.

* * * * *

With the presentation of this report to the legislature within the next week or so, the commission on constitutional amendment and revision will have discharged the obligations imposed upon it by the legislature of 1919. It is our hope that this brief history of the commission may bring to our readers some realization of the painstaking fidelity and devotion with which these obligations were met and discharged.

FOLLOWING BEN FRANKLIN

On January 17, 1921, the anniversary of the birth of Benjamin Franklin, the street cleaning department in New York placed a wreath on the statue of this thrifty ancestor of ours, to commemorate his fame as the "Father of Street Cleaning." Accepting the guidance of one of Ben's old rules, "If you want a thing well done, do it yourself," Philadelphia is now using municipal forces to clean its streets in the central section, and the mayor has just announced that in 1922 all of our street cleaning will be done by municipal forces. We are sure that the shade of Benjamin Franklin will be glad to see his example, as well as his precepts, followed.

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Our New Voting Citizens

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Urbana

III

No. 454

February 3, 1921

"A city is what its citizens make it. The very vastness of our problems here should be the challenge to women of spirit to work continuously, not sporadically, for the realization of . . . fine civic possibilities."—
Woman's Municipal League of the City of New York.

Women as Voters

The year 1921 finds the women of the United States beside the men as voters. The world, undecided whether to praise or condemn, awaits the outcome of the year's work. *Will women settle down with the apathy that only too often has characterized the attitude of men, or will they retain that interest and perseverance that won them the vote?*

Woman as a citizen and voter has a very real contribution to make in her enthusiasm, her different point of view, her patience, and her willingness to work to attain her purpose. She has too a very real opportunity for service in the awakening of both men and women to a conception not only of what real citizenship means, but also of the duties that it involves.

A Program of Cooperation

The Bureau of Municipal Research extends to the new voting citizens its whole-hearted cooperation. A basis for such cooperation is already at hand. In comparing the immediate programs and the fields of possible future activity of the women of Philadelphia and the Bureau, we find that they have many items in common. Upon these items both groups may concentrate their energy and thus hasten the realization of the civic ideals for which both are striving. Among others, we may enumerate the following features in a broad program of present and prospective activities in which the women of this city and the Bureau of Municipal Research may cooperate.

Education

The state of Pennsylvania ranks twenty-first in point of educational development. We need legislation that will help to bring us, among other things, better teachers, higher salaries, longer school terms, better school buildings, Americanization work among adults as well as among children. To secure these we need to obtain much larger appropriations for educational purposes.

Constitutional Convention

For some time Pennsylvanians have felt the need of constitutional revision and have made many efforts to obtain it, but without success. Our present constitution, adopted in 1873, has been amended twenty-one times, eighteen of them since 1901. The commission appointed by the governor to study the subject of revision and amendment recommends that the question of a constitutional convention be submitted to the people. Every effort should be made to bring about such a convention and to effect a truly modern revision of our fundamental law.

Magistrates' Courts

We have today in our city two sets of minor courts side by side, with two sets of judges and court employes, and two sets of expense charges—the magistrates' courts on the one hand, the municipal court on the other. Since the establishment of the municipal court we no longer need the magistrates' courts. The magistrates, however, are officers established by the constitution and therefore we must make it part of our program of constitutional revision to abolish them.

City-County Consolidation

With the city and county of Philadelphia coterminous, it is absurd to have a separate county government distinct in most essentials from our city government. Here again we must work through the medium of constitutional amendment to bring about the necessary change—the abolition of separate county government in Philadelphia.

Public Health and Welfare

The functions of the city's department of health need broadening and developing, which can be secured only through popular understanding and support. The state government needs legislation to bring about closer association with hospitals receiving state aid and the right to supervise institutions in which children are grouped. It is the governor's suggestion, and one that

is worthy of support, that the care of the insane and feeble-minded, the attention to dependent and delinquent children, the mothers' assistance fund, executive supervision of state and county prisons, and the utilization of prison labor, all things in which women are particularly interested, instead of being in charge of various boards and commissions, should be grouped together and placed under the direction of a new department of welfare.

Municipal Markets

It should be possible to secure good food at more reasonable prices. Steps should be taken toward the establishment of more municipal markets in Philadelphia, so that her citizens can be assured of fresh food-stuffs direct from the farmer. The method for distributing Philadelphia's food supplies after they reach the city should be corrected promptly.

Other Items

To the foregoing might be added the extension of municipal street cleaning to the remaining eleven districts of the city; the adoption of the civil service commission's report providing for equal pay for equal work in the city service; a revision of our methods of assessment and taxation; and the securing of a more adequate water supply. There are also other matters of vital civic concern, but limitations of space prevent even their enumeration here.

In Union There Is Strength

The Bureau of Municipal Research wishes to assure the newly enfranchised citizens of its earnest desire and unceasing effort to further every movement toward a more serviceable and effective government for the citizens of Philadelphia. In promoting the cause of better government the Bureau realizes that its own efforts will be greatly strengthened by the cooperation of the women of Philadelphia, and in turn it indulges in the hope that the endeavors of the women may be materially aided by the services of the Bureau.

ol. Sci.

CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

ISSUED WEEKLY AT 803 FRANKLIN BANK BUILDING
PHILADELPHIA ENTERED AS SECOND CLASS MATTER
JUNE 7, 1913 AT THE POST OFFICE AT PHILADELPHIA,
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A Lesson From a Recent Murder Case

University of Illinois Library

Urbana,

III

No. 455

February 10, 1921

Why should there be *two* local sets of
detectives?

IN one of the most talked-of and outwardly inscrutable murder cases that has come to trial in a Philadelphia court, the commonwealth failed to make a case sufficient for the trial judge to let go to the jury.

To the unusual circumstances, cross-tangled with rumors and complications, have been added charges that failure of "city" detectives and "county" detectives to cooperate was a principal factor in the failure to produce a "case"; and that the lack of teamwork was so marked that at one time the threat was made by a high official that the police would withdraw from the case unless better cooperation were forthcoming.

Commonwealth vs. John Doe

Irrespective of personalities involved, and of special circumstances of the case, a prosecution for murder which turns out to be a fiasco is a reflection upon the commonwealth. The "style" of a murder case—the legal designation or title under which it is brought and by which it is referred to—is "*The Commonwealth of Pennsylvania* versus (the accused)." This is more than a bit of legalistic terminology. It means that action against a person accused of murder, or accused of the violation of any criminal statute, is taken not by the person who has suffered, or his relatives, or by persons who saw the crime committed, but by you and me in our capacity as citizens of the commonwealth.

We do the Prosecuting

When suspected persons are indicted and prosecuted, it is you and I who do the indicting and prosecuting, acting through our elected and appointed agents, the sheriff, the district attorney, the mayor, the director of public safety, the police and detective forces. On them we have to rely implicitly.

The gravity of the imputation when we accuse of murder, the weight of our responsibility for punishing and preventing public wrongs, makes it necessary for us to exact from our agents not only personal honesty and probity, but unfailing efficiency and *unfailing methods and conditions of operation in which we can have confidence.*

If we handicap ourselves at the start with a double, top-heavy, cumbersome system of law-enforcing agents, whose fault is it if justice does miscarry?

Did We Cooperate With Ourselves?

The word "cooperation" should never have entered into a case of the commonwealth, in the sense involved in the charges. The word itself implies lost time and motion and unnecessary expenditure of supervision. It suggests two locomotive engineers with their hands on the same throttle, or two cooks set to turn the same roast. Why should it be necessary for two local detective forces to cooperate?

Why, indeed, should there be two local forces? Why should it be necessary for the county to maintain a force of seventeen detectives at \$2,100 and less, with a \$4,000 chief and a \$3,000 assistant; and for the city, for the protection of the same persons and the same property in the same area, at the same time to maintain a separate force of twenty-nine \$2,110 detectives under a \$2,790 captain and three \$2,460 lieutenants, when the city and the county are *the same*?

We Do Not Need Two Local Governments

As soon as cities grow out of the town or borough stage, the matter of overlapping jurisdiction and duplicated effort assumes importance. In those which have reached metropolitan proportions, there is not a single service under the ordinary jurisdiction of

counties that could not be performed equally well or better by some arm of the special government which exists to fill the more complex needs of the city.

It makes little difference, perhaps, whether, in the case in point, the charges made are even sifted. The thing of prime importance is that in the machinery we have provided for punishing and preventing public wrongs there is a wide open *chance* for fatal friction. Whether in one case the friction actually occurred or was narrowly escaped, makes little difference.

This jungle of city and county in Philadelphia has been maintained for years because of inertia and the cumbersomeness of the constitution and of state-wide laws. Is it not about time that the complete consolidation of county and city took place?

When Do We Get Our New Constitution?

The report of the commission on constitutional amendment and revision opens the way to make this possible. It provides, in article XIII, section 9, of the proposed constitution:

In a county co-extensive with a city or included therein, any constitutional county office may be abolished by law and its duties and powers may be transferred to a city officer or officers.

Is it not about time that the much-heralded legislation for the call of a constitutional convention appeared at Harrisburg?

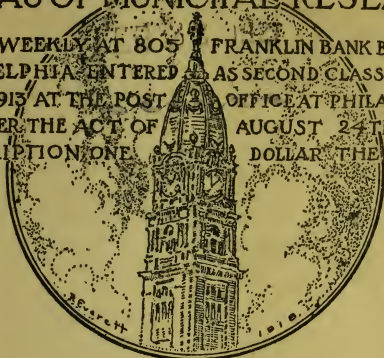
Back in ye good old days of 1718 the streets were in such wretched condition that many of the inhabitants voluntarily paved "from ye kennel to the middle of the streets before their respective tenements with pebble stones." Voluntary work by property owners is surely out of date in this year of grace, 1921, but it may be necessary unless the legislature will provide for repaving by loan funds, or unless our councilmen can scrape together sufficient funds from current revenue.

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We Need a Constitutional Convention

University of Illinois Library

Urbana,

117

No. 456

February 17, 1921

Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world?

—Abraham Lincoln's First Inaugural.

THE introduction at Harrisburg of the measure providing for the calling of a constitutional convention removes a point of uncertainty and makes us face a problem.

The Stone Wall Which Has Blocked Improvement

For years the path to substantial improvement of government in Pennsylvania has been blocked by out-grown provisions of the constitution. In no jurisdiction has this been more gravely true than in Philadelphia. With the enactment of the new charter of 1919, Philadelphia gained most of the immediate objectives that a legislature had power to give it. Between us and the accomplishment of our present most urgent requirements, however, stands the high and solid wall of a constitution written for the needs of the Philadelphia of forty-eight years ago.

Against these besetting difficulties, citizens have battled perseveringly and cunningly. Councils and mayors' committees have investigated. Citizens' meetings have passed scores of protests. These have dealt principally with palliatives, ineffectual because they have never more than clipped trifles from the surface of the difficulties. They have not reached the roots, because the roots were in the constitution. Ordinances and legislative acts have been passed, to be declared unconstitutional. Amendments to the constitution have been attempted, to fall because of lack of support. It takes almost a superhuman effort to interest the state in a comparatively local matter, when politicians do not approve of it.

We Need No Longer Deal in Palliatives

Now the opportunity has come to remove the otherwise insurmountable obstacles to Pennsylvania's and Philadelphia's progress. The needs of the state, for a state budget system, a simplified judiciary, a twentieth century educational system, a modern penal system, and the removal of the charities pork-barrel,

have grown into a state-wide movement for a new constitution which has expressed itself concretely in the measure just introduced at Harrisburg.

This legislature now has it within its power to submit or not submit the call for a constitutional convention. Only through a convention can we secure the progress we have been longing for and working for. No other local political or civic improvement is at present so vital.

Nothing is More Important than a New Constitution

Is it worth while carefully to protect the Philadelphia charter against harmful change at Harrisburg? Yes, but not so important as to vest the entire control of purely local charter matters solely in Philadelphia hands, by providing for home rule in the constitution. Is it of value to elect higher grade magistrates? Yes, but not so important as to abolish the entire magistrate system by taking it out of the constitution. Is it of value to work hard to bring a great exposition to Philadelphia, if we feel it to be to the advantage of the city? Yes, but not so important as to insure that the city has the ability to make and pay for permanent civic improvements for this or any other purpose, by powers which must be insured through the constitution. Is it of value to curb the issuance of mandamus, or settle the legal question whether municipal court buildings shall be built under "city" or "county" auspices? Yes, but not so important as to wipe out the entire snake-nest of a "Philadelphia county," by striking out the rigid requirements in the constitution.

For accomplishing these things the constitutional convention is needed; and now a constitutional convention is within sight.

"Let Us Strive To Finish the Work We Are In"

A convention, if called now, will be able to work under extraordinarily favorable circumstances. Our delegates, who will compose it, can be elected within

the next few months. They can begin work without delay. They can proceed speedily with their work. Most important of all, they will have before them not an ambiguous, inarticulate program, but a careful report, prepared by the governor's commission on constitutional revision, after months of tireless labor, setting forth the shortcomings of the present constitution, and even the language necessary to effect some of the most desirable changes.

If the present opportunity is allowed to fall, we lose the momentum of all the commission's work, the value of the work done already, and the present degree of interest which has been aroused by the public's participation in the commission's efforts. The seriousness of this loss and the urgency of the needs of the state and of Philadelphia which a new constitution alone can fulfill give their own answer to the question of allowing the present opportunity to go unseized.

We Still Have to Fight for It

Yet there is opposition against which citizens must guard. Professional politicians oppose constitutional revision at any time. Professional politicians are usually in politics for private profit, and they measure every political question by the amount of money or power (i. e., money, indirectly) it will bring to them. If the interests of the people are advanced incidentally, so much the better; if they are retarded, so much the worse. A sweeping revision of the constitution is a change in the rules of the game, which increases their overhead. They will have none of it.

Because the changes proposed in revising the Pennsylvania constitution are badly needed, and because they are demanded not only for the advancement of public welfare, but also in the interest of common business efficiency, the opposition this time is extremely reactionary and extremely quiet. Nevertheless, it is strong and it behooves every citizen who is interested in achieving the improvement which can be gained only by striking the obstacles at their roots, to work actively and indefatigably that the present opportunity may not be lost.

Sci.

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FEB 26 1921

Philadelphia's "Mandamus Evil"

No. 457

February 24, 1921

Inability of the council to control the expenditure of public moneys constitutes Philadelphia's so-called mandamus evil. This bulletin discusses the obstacles to the correction of the evil, and shows how they can be overcome.

PHILADELPHIA'S "MANDAMUS EVIL"

BY CLARENCE G. SHENTON, LL.M.¹

The city treasury of Philadelphia must pay millions of dollars annually to meet obligations over which the city government has no control. :: :: :: :: :: :: :: :: :: ::

Not content with establishing numerous governmental agencies in Philadelphia and saddling the cost of maintaining them on the city treasury, the people of Pennsylvania have in many cases adopted an exceedingly vexatious method of having the cost determined. They have given local agencies power to finance themselves out of city funds. Most to be desired, of course, is a system under which the city's legislative and tax-levying body, the council, would have complete control over the city treasury. As this is at present unattainable, Philadelphia would be more nearly content—its plight at any rate would be no worse than that of hundreds of other municipalities throughout the land—if, in addition to its council, the legislature were the only body with authority to spend its money. As it is, millions of dollars are disbursed annually by the city to satisfy contractual obligations—including the wages of an army of employes—the amounts of which are not fixed by the legislature nor controlled by council.

UNRESTRAINED AGENCY

Broad powers to determine what shall be spent for the maintenance of the courts are vested in the judges. The president judge of the municipal court is authorized to appoint "such tipstaves or employes as are reason-

ably necessary," and their number and compensation are to be fixed by a majority of the judges of the court. The president judge is also authorized to appoint a chief probation officer "and such additional probation officers and employes as he may determine, at salaries not to exceed \$2,500 a year." Other statutes give judges power to fix the number or compensation, or both, of janitors, stenographers, detectives, etc. The constitution provides that the prothonotary shall appoint such assistants as may be necessary and authorized by the courts of common pleas of Philadelphia county, and that the clerk of the orphans' court may appoint assistant clerks with the approval of the court.

The city and county of Philadelphia are coterminous. The legislature has "consolidated" them, but only in a half-hearted way. There is but one treasury. Taxes paid into it are levied by the city council alone, and disbursements from it, except as the result of suit, can be made only pursuant to appropriations by council. Yet, superimposed upon the city government is a county government, headed by a board of commissioners, in whom are vested most of the usual powers of county commissioners to commit the county to financial obligations.

The Philadelphia county prison is managed by a board of inspectors appointed by the courts of common pleas. This board has authority to fix the salaries of all persons employed

¹ Of the Philadelphia bar; staff member of the Bureau of Municipal Research of Philadelphia.

in the institution, to contract for supplies, and to determine the "quantum and kind of food to be furnished to each person." The county commissioners are authorized to draw their warrant on the "county treasury" for "any deficiency in keeping and maintaining said prison."

A board of managers, appointed by judges, has authority to establish houses of detention for delinquent children—one house for each twenty-five children. The powers of the board are as comprehensive as those of the board of prison inspectors mentioned above. A recent act of assembly authorized the creation of a house of detention for untried prisoners which is to be administered in the same way.

Considerations of space forbid anything like a complete enumeration. There are other agencies with similar powers, and the agencies mentioned have powers which have not been enlarged upon. A list of the money-spending powers of the county commissioners would itself make a longer story than can be detailed here.

"MANDAMUS" THE TREASURY

If council appropriates funds to satisfy the obligations incurred by the agencies in question, payment is not difficult to secure. If there are no appropriated funds against which the agencies can draw warrants, the employee or other claimant to whom promises have been made brings suit against the city. As there is seldom any doubt that the services have been rendered, and that the law of the state makes the city liable for the amount which has been promised, there is usually no point in contesting the case. The city solicitor therefore brings the city into court amicably, agrees to the facts, waives a jury trial, and, except in rare instances, makes no argument

on the law. Judgment against the city is the result.

The plaintiff then proceeds under an act of assembly which authorizes the court to issue a writ—known as a "madamus"—commanding the city treasurer to pay the judgment, with interest and costs, out of any unappropriated moneys in his possession, and if there be none such, out of the first moneys received for the use of the city. The writ differs from a common law mandamus in that the statute expressly contemplates the possibility of its issuance against an empty treasury. If because of lack of unappropriated funds the writ is not satisfied when presented to the treasurer, it is registered as of the date of presentation, and draws interest at 6 per cent until paid. Claimants not desiring to wait for the city to be in funds to pay their writs have had no difficulty in selling them at par to the banks, which usually regard them as especially choice securities.

A PARADISE FOR POLITICIANS

The opportunities which the situation affords for "playing politics" and mystifying the electorate cannot be overestimated by the most fertile imagination. Responsibility for the spending of the city's money is so widely diffused that efforts of the taxpayer to see to the careful disposition of his contribution cannot succeed. Agencies with the "mandamus power" are more extravagant than they would dare to be if embarrassed by the necessity of levying taxes to meet their expenditures; and council, which levies all the taxes, can justly disclaim responsibility for a large but indefinite part of the levy.

Although the system is known to be wasteful, the waste cannot be measured. There is no way to estimate

what could be saved if all municipal agencies were required to live within appropriations of council. The amount by which an agency exceeds its appropriation has no significance in this connection. Council usually has the choice of making what it considers an unjustifiably large appropriation, or of cutting the figure to a point which it considers proper, with the certain knowledge that the balance will nevertheless be collected by mandamus. Confronted by this embarrassing alternative, council has generally surrendered and appropriated the amount demanded. There are times when observers suspect that an opportunity to bow to the mandamus power is welcomed by councilmen as a convenient way to get what they or their political friends want, without assuming any responsibility. Accordingly, the fact that an agency with the mandamus power lives within its appropriation does not mean that the agency has been economically managed. Conversely, the fact that the agency exceeds its appropriation may just as well mean that council has failed or refused to give due consideration to the necessities of the agency as that it has been extravagantly administered.

The use of the writ of mandamus to collect salaries of appointees of judges is peculiarly objectionable. The impression is abroad in Philadelphia that judges are above the law; that they are arbitrarily asserting superiority over the legislative and executive branches of the government. While, in a strict legal sense, their use of the mandamus perhaps does not justify this, nevertheless the spectacle of a judge appointing an employe, fixing his salary, sitting as judge and jury in a suit to collect the salary, rendering judgment in favor of his own appointee, and commanding the city to satisfy the judgment, is not edifying.

THE REMEDY DIFFICULT

Attempts to abate the nuisance will no doubt be met by formidable resistance from many of its beneficiaries. Assuming that this can be overcome, the line of attack is in most cases obvious. Agencies of the type of the Philadelphia county prison, which are non-judicial and owe their existence solely to legislative enactment, can, of course, be shorn of any or all of their powers by the legislature. A power which is expressly conferred by the constitution, like that of the courts of common pleas to authorize the appointment of assistants to the prothonotary, manifestly cannot be divested except by constitutional amendment. Probably, also, there is no satisfactory way to abrogate the money-spending powers of the Philadelphia county commissioners except by constitutional amendment ordaining or permitting the abolition of county government in counties which are coterminous with cities.

The most interesting legal problem arises in connection with "mandamus powers," assumed by the courts without statutory or constitutional warrant, and those conferred upon the courts by legislative enactment. Strangely enough it cannot be asserted with assurance that these powers can be revoked by the legislature. This doubt results from the character of the opinions which have at times been expressed by courts as to their immunity from legislative control.

"We think upon the outset," said the supreme court of Idaho,¹ "that without discussion or controversy, it must be admitted that the courts have the inherent power and authority to incur and order paid all such expenses as are necessary for the administra-

¹ *Schnelzel v. Ada County*, 16 Ida. 32, 100 Pac. 106 (1909).

tion of the duties of the courts of justice." Said the supreme court of Indiana:¹ "Courts are an integral part of the government, deriving their powers directly from the constitution, *in so far as such powers are not inherent in the very nature of the judiciary.*" (!) Declarations equally brave might be quoted in considerable numbers. Their tenor, in view of the problem at hand, has made necessary an analysis of the cases in which they occur.

The cases fall into three classes. In the first, judges seem to derive satisfaction from announcing that, although no occasion is presented for the use of "inherent power," they nevertheless have it. Such expressions are dicta, and need not be seriously considered.²

The second class includes cases in which courts make orders in matters concerning which statutes and constitutions are silent. *Lycoming County v. Hall*,³ sometimes cited as the leading case in this country on the subject of inherent judicial power, was a case of this sort. A Pennsylvania county court, considering it imperative that a jury in a capital case should be closely observed throughout the trial, directed that they be kept together and provided with board and lodging at a public house at the expense of the county. Although no express provision of law authorized the order, the supreme court held that the county must pay the bill. The doctrine of this case has been extended in Philadelphia to the point where juries are given automobile outings at public expense.⁴

¹ *Commissioners v. Stout*, 136 Ind. 53, 35 N. E. 683 (1893). *The italics are the author's.*

² See, e.g., *State v. Cunningham*, 39 Mont. 165, 101 Pac. 962 (1909).

³ 7 Watts (Pa.) 290.

⁴ See *Gallagher v. Phila.*, C. P. No. 2, March Term, 1920, No. 7451.

In cases of the third class the courts exercise powers which not only are not expressly conferred on them, but which are expressly denied to them by statutes. The right of judges to select certain of their assistants forms the usual issue in these cases. For example, the supreme court of Illinois has decided that the legislature cannot deprive judges of the right to appoint their probation officers.⁵ It was said that the appointment of probation officers is so essentially a judicial function that a statute depositing the right to select them elsewhere than with the judges is, under a constitution vesting the judicial power in the courts, an unconstitutional assumption of power by the legislature.

In cases of the type last mentioned the courts do not go so far as to assert independence of the legislature with respect to the number of their appointees or the amounts which they are to be paid. Indeed, not a single case has been found in which a court of final appeal has itself attempted, or has permitted an inferior court, to spend money in defiance of an express and unequivocal statutory provision. In its bearing on the Philadelphia situation this fact may be significant. If the legislature can be prevailed upon to exercise for itself or delegate to council the final discretion as to what is to be spent on Philadelphia courts, the courts cannot refuse to be so limited without an unprecedented arrogation of power.

Of course, no judge will ever admit that the legislature, by withholding financial support, can destroy a court which the people by their constitution have decreed shall exist. There is a point somewhere short of the annihilation of courts with constitutional status at which it would be held that the discretion of the legislature ends. Whether the supreme court of Pennsyl-

⁵ *Witter v. Commissioners*, 256 Ill. 616 (1912).

vania would decide that the legislature's discretion ends when it contravenes the desires of the judges, and that the judges must be the final arbiters as to what is necessary to maintain the courts as the constitution contemplates that they shall be maintained, is a subject upon which it is impossible to do more than speculate.

The Pennsylvania state treasury, like the federal treasury and most, if not all, of the state treasuries, is protected against disbursement without appropriation by constitutional prohibition and by the principle that a sovereign government cannot be sued without its consent. It is difficult to say whether these limitations would be effective if interpreted by a judiciary determined to make an issue of what it considered inadequate financial support. Sustained by a constitutional mandate for its existence a court could, with perhaps some show of reason, override constitutional obstacles which it considered threatened its existence. Apparently so desperate an issue has never arisen, and it is not likely that it will. The immunity enjoyed by state and federal treasuries, however, does not extend to municipalities. They can be sued without their consent, and forced to pay whether they appropriate or not. Here is a source from which courts, even those which are distinctively state and not local tribunals, can more easily obtain unappropriated funds than from state treasuries. Interesting possibilities are suggested by the case of *McCalmont v. Allegheny County*,¹ in which the supreme court of Pennsylvania, holding session in a district comprising a number of counties, without authority of the legislature compelled the county in which it was sitting to pay certain of its expenses.

¹ 29 Pa. St. 417.

The municipal court is one of "such other courts" as the constitution gives the legislature power to establish "from time to time." Does it, by virtue of the constitutional warrant for its creation, possess constitutional status and the accompanying inherent powers? The question, while interesting, is not likely to be of practical importance, since the undoubted power of the legislature to abolish the court makes it inconceivable that the right to revoke any of its powers would be disputed.

PROSPECTS OF RELIEF

Agitation on the subject of the "mandamus evil" has been running high in Philadelphia for the last year, but in view of the very complex political situation it is difficult to predict what relief, if any, can be obtained. Then, too, there exists in certain quarters a deep-seated reluctance to be identified with a movement looking toward curtailment of the prerogatives of the courts. No doubt efforts will be made during the 1921 session to have the legislature withdraw certain mandamus powers. Probably, however, most is to be expected from the proposed new constitution. The commission on constitutional amendment and revision, which has been working since December, 1919, has been quite sympathetic toward those who urge placing complete control of the city's purse-strings in the city council. The bureau of municipal research, working in conjunction with a committee appointed by the mayor, prevailed upon the commission to recommend the adoption of the following provisions:

No debt shall be contracted or liability incurred by any municipal commission, board, officer, employee or other agency, except in pur-

CITIZENS' BUSINESS

suance of an appropriation previously made therefor by the municipal government.

* * * * *

In any county whose boundaries coincide with or lie wholly within the boundaries of any city, all county officers, and judges, other than the judges of common pleas and orphans' courts, and all state or county officers whose salaries or expenses are payable, in whole or in part, out of funds receivable by any city or county officer shall submit to the chief executive of the city, in the manner and the time required of city officers, estimates of the needs of their respective offices and courts. The city council or other body vested by law with the power of appropriation shall have the same control over appropriations for the support of such offices and courts as it has over appropriations for the support of city offices, except that the general assembly may fix the salaries of such officers and judges.

§ In any such county any or all county offices may be abolished by law and the functions and powers pertaining to any such office may be

transferred to any officer or officers of such city.

As this is being written word comes that the commission has changed the wording of these sections to improve the style but with no intent to violate their substance. From what has been said, it will be appreciated that if the substance of these paragraphs can be made part of the fundamental law, the fight against the mandamus evil will have been won in Philadelphia, except for the powers of the orphans' court and the courts of common pleas. Apparently the commission cannot be persuaded to recommend that these powers be disturbed. It may yet happen, therefore, that the right of the legislature to control the expenditures of courts with constitutional status will become a live issue in Pennsylvania.

Pol. Sci.

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APR 23 1921

A Municipal Journal

No. 458

March 3, 1921

The proposed legislation requiring the advertisement of ordinances only by title has brought up the question of an official publication for Philadelphia.

The Present Law and the Proposed Change

By the act of May 23, 1874 all ordinances of council must be advertised in five daily and two Sunday papers within five days after their passage. It is now proposed to amend this requirement so that only the *titles* of all ordinances of council need be advertised, and that these advertisements need appear only in *three* daily newspapers having a bona fide circulation within the city of at least thirty thousand copies per issue. The advertisements are to state the location of the office of the city council at which place copies of the ordinances themselves may be seen. While this proposal has the advantage of reducing the number of newspapers in which the ordinance must appear, thus cutting down advertising costs, it has the disadvantage of making city ordinances less accessible than they are at present. Neither the existing act nor the one proposed, however, contains any provision for making available to the public the vast amount of other important information that citizens are constantly seeking.

Why Not an Official Publication?

Public interest in municipal affairs has had a great awakening, and everywhere citizens are wanting more facts. What more reliable source of information could there be than an official journal published by the city government itself? Such a publication is not intended to take the place of newspapers. Our various daily sheets cannot be expected to fill up their news space with detailed reports on what is taking place in the

city government. If the city maintained an official publication, every citizen would know the one source where official information could be obtained.

What Its Contents Might Be

To be useful a publication of this character should contain such items as, a directory of city officials, a calendar of meetings, proceedings of council including ordinances and adopted resolutions, reports of city departments, reports of commissions, proposals and bids, and similar topics.

Things to Avoid

A publication of this nature is not intended to decry, criticise or praise any individual or group. It should give a concise, impartial, and truthful statement of the work of the city from day to day. It would meet a speedy doom if it became the means of airing individual opinions or if it were used to promote personal power. Its purpose should be to inform, not to entertain.

Experience of Other Cities

A municipal newspaper is not a novelty; it is the oldest form of journalism. The daily Tching-pao, or Peking News, was the contemporary of Charlemagne and has missed few issues in the 1200 years that have elapsed since that time. Many cities in the United States have official publications. That of New York has been in existence for more than a third of a century. Baltimore, Boston, Columbus, San Francisco, Seattle, Spokane, Tacoma, and many other cities have splendid official publi-

cations. Some of these cities send their publications free to all taxpayers and registered voters. Others make a nominal charge ranging from twenty-four cents to a dollar and a half a year. New York's daily publication is twenty dollars a year.

Philadelphia's Brief Experience

In 1909 and for a few succeeding years the city government of Philadelphia published a monthly journal devoted mainly to reports from various branches of the department of public works, together with an official directory, general facts about Philadelphia, and a summary of the Philadelphia government. It was profusely illustrated and more historical in its nature than the kind of publication herein advocated.

Advantages of an Official Publication

Some of the advantages of an official publication are:—one place for all facts, regularly published, easily obtained, accurate, inexpensive, up to date, a current history of city government, an asset to any city.

Why should not Philadelphia have one?

The "Blue Bird for Cleanliness"

Not all of us may have had the time or opportunity to observe the fruits of labor of the municipal street cleaning forces who are plying the new broom in the section from Columbia Avenue to South Street and between the two rivers, but we have been impressed by the distinctive yellow painting on the trucks and wagons in use, and by the blue denim uniforms of the blockmen who chase the elusive dirt during the daylight hours. Perhaps we had better drop the old term "white wings" which has been applied to the cleaners and call them "blue birds," for after all haven't they brought us happiness through greater cleanliness?

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A Problem in Taxation

University of Illinois Library

Urbana,

III

No. 459

March 10, 1921

Public service corporations were exempt in 1920 from taxation on more than seven million dollars' worth of real estate in Philadelphia.

THIS session of the legislature witnesses a recurrence of the agitation to subject to local taxation certain real estate of public service corporations which is now exempt from such taxation. It is pertinent, therefore, to inquire to what extent such real estate is exempt, who has exempted it, and why.

Exemptions—Constitutional and Judicial

The constitution of the state authorizes only four classes of exemption from taxation. The legislature is permitted by Section 1 of Article IX to exempt by general law (1) public property used for public purposes, (2) actual places of religious worship, (3) places of burial not used or held for private or corporate profit, and (4) institutions of purely public charity.

In addition to the foregoing, a fifth class of exempted property has been established—the real estate of public service corporations essential to the exercise of their franchises. Our constitutions have never expressly authorized this exemption, and the constitution of 1873, as indicated by the preceding paragraph, seems to forbid it. The exemption nevertheless exists. It had its origin in a line of judicial decisions reaching back as far as the year 1825.

Public Policy Declared by Courts

When called upon to determine whether statutes authorizing local taxation of real estate applied to public service corporations, the courts have considered as of great importance the fact that such corporations were already subject to a tax on their capital stock, the value of which was in a measure controlled by the value of their real estate. It has been consistently held in these cases that, while double taxation is not unconstitutional, it will not be assumed that the im-

position of double taxation is intended in the absence of unequivocal declaration by the legislature to that effect.

Such declarations have been made by the legislature only in rare and scattered instances. The exemption from the local real estate tax has accordingly been allowed quite generally to public service corporations, although only as to property without which the duties of the corporation to the public could not be performed. In arriving at this result the courts have been further moved by the fact that they conceived it to be the policy of the state to encourage such enterprises as are conducted by public service corporations.

The Situation in Philadelphia

Under the authority of these decisions the board of revision of taxes in Philadelphia exempts power plants and repair shops of light, heat, power, and traction companies; the gas plant and holders of gas companies; the exchanges, repair shops, and instruction schools of telephone companies; ground used for storage or held for future extensions. A more complete statement is impracticable in this leaflet. It should be noted, however, that a large amount of real property essential to the exercise of the franchises of public service companies is not exempt in Philadelphia because of the provisions of the Act of April 21, 1858, P. L. 385, which subjects to taxation for city purposes the offices, depots, carhouses and other real property of railroad corporations, including street railway companies, "the superstructure of the road and water stations only excepted."

The property of public service corporations exempt in Philadelphia in 1920 was assessed at \$7,488,540. This, if taxable, would have yielded for city and school purposes approximately \$200,000.

A Difficult Problem

At first sight there seems to be no just reason why a municipality which levies taxes in order to be able to render service to property owners should not have the right to tax on an equal basis all who benefit by the service. The problem is admittedly difficult, however, and we are well content to close this discussion with nothing more than a demonstration that there is a problem.

There is probably little disposition at present to increase the taxation of public service companies. But disregarding the question whether such companies now pay more or less than their just share, there still remain a multitude of perplexities: whether, for example, there is any reasonable basis for a system in which taxes paid on property should in some cases go entirely to the state and in others entirely to a sub-division of the state; or if this cannot be justified, whether a part of the tax yielded by each piece of property should go to the state, and a part to the municipality; and if so, on what basis the division should be made.

Other angles to the problem, equally knotty, no doubt occur to the reader.

The problems of government are becoming more difficult, because more complex, all the time. The old days of laissez-faire have gone never to return. The State everywhere has taken on new functions which it will not relinquish. To meet these obligations, democracy must show a constantly increasing efficiency in government. That is the test which we now must meet, and if we do not meet it democracy is doomed. For there is a law older than any man has written, under operation of which no human institution can endure unless it renders a real service to mankind.

—Governor Lowden's First Message to
the Legislature of Illinois.

Vol 800
CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

ISSUED WEEKLY AT 805 FRANKLIN BANK BUILDING
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The Gas Hearings

University of Illinois Library

Urbana,

Ill.

No. 460

March 17, 1921

The gas consumer can help the gas commission in its present investigation by telling the commission whether or not the gas supplied to him is satisfactory. On March 18 he will have an opportunity to do so at the third public hearing before the gas commission.

ON the afternoon and evening of March 18 a public hearing will be held by the gas commission in the mayor's reception room at City Hall. The purpose of this hearing is to give the public a further opportunity to present to the commission information on the gas situation. The time is opportune, therefore, for a review of the steps that have been taken to reach a solution of the gas problem and to indicate the contribution which is made by these public hearings.

Authorization of a Gas Survey

The survey of the property and present operation of the Philadelphia gas works was authorized by an ordinance of council approved December 13, 1920. This ordinance provided for the appointment of a commission of not exceeding five persons, including not more than three public utility experts, to make an investigation of the gas works and to report their findings and recommendations to council and the mayor. The purpose of this investigation is "to enable Council to pass upon and determine the question of permanently changing the candle power standard to the heating standard, and, if such change be recommended, the terms and conditions upon which it should be made, and to outline the permanent policy and plan for the city to pursue in the future development and operation of the Philadelphia Gas Works."

The Commission's Initial Work

Pursuant to the provisions of this ordinance, on January 4, 1921 the mayor announced the appointment of the members of this commission. The commission began promptly the important work of examining the property and books of the company. On January 28 and 29 the commission held hearings at which the United Gas Improvement Company was given an opportunity to present its side

of the case, to explain why the permanent adoption of the present 530 Btu standard is necessary and to indicate what other changes the company favors in the terms of the lease of 1897. In this latter connection the company has made a plea for an increased price for the gas to be supplied in the future under either the temporary standard or the twenty-two candle power standard if it is restored.

The Gas Consumer's Opportunity

On March 3 and 4 further hearings were held by the commission at which the gas consumer was given an opportunity to be heard. These meetings were not largely attended. A number of local improvement associations were represented and a few citizens appeared in their own interest. Personal opinions were freely expressed but very little concrete information was presented to substantiate these opinions.

Important Issues Involved

It will be recalled that the present gas problem began with a request made in May 1920 by the United Gas Improvement Company to the city to suspend temporarily the twenty-two candle power standard which had formed the basis of the 1897 lease, and which has been maintained during the entire twenty-two odd years that the lease had then run except for a short period during the late war. The request made by the company was finally approved by council in July and the temporary standard providing for a minimum of 530 Btu's was put into effect on August 15 to run until January 1, 1921. Later this temporary standard was extended until April 1 of this year.

Specialists Called Upon for Advice

Realizing that permanent disposition of the question of the gas standard could not be made without

a comprehensive survey of the gas situation and the advice of specialists, an official investigating commission was created. Its function is primarily to search out and assemble all facts pertaining to the company's operation, and to supply expert advice to confirm or refute the statements made by the company in regard to present developments and problems in the gas producing industry. With the commission's report at hand, council will be in a position to determine what the city's policy shall be with reference to a permanent change in the gas standard and other related issues.

Now is the Time to Speak

Of considerable importance in the survey of the gas situation is the determination of the question whether the gas consumer is satisfied with the gas now being supplied under the lower standard. Accordingly it is most desirable that the public should accept the invitation extended by the commission to attend the public hearing on March 18. If there is dissatisfaction with the gas supply this hearing affords an opportunity to express it. Concrete information in regard to the quality of the gas should be presented, if possible; in fact such information is much more useful than mere personal opinion.

Let's Keep the Issues Clear

At the two previous public hearings many of those who testified did not distinguish between the matter of presenting information tending to show whether or not the consumer is satisfied with the gas now being supplied, and the question of whether the lease should be modified by council. Obviously the latter question is one for council itself to determine after the commission has reported the facts of the case, and unquestionably when the proper time arrives the public will be given an opportunity to air its views in that regard.

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How Much Have Taxes Risen in Philadelphia Since 1914?

University of Illinois Library

Urbana,

Ill.

No. 461

March 24, 1921

On the last page of this issue will be found a chart showing, among other things, the percentage of increase over 1914 in the tax rate on real estate, the assessed valuation of taxable property, and the amount of taxes levied.

The Tax Levying Bodies

There are three bodies which levy taxes on property in Philadelphia for local purposes,* viz.: the city council, which levies the joint city and county tax on real estate, and horses and cattle; the board of public education, which levies the school district tax on the same objects; and the state legislature, which imposes a joint city and county tax on money at interest and vehicles to hire.

The Assessment of Taxable Property

The total amount of taxes levied for local purposes is dependent upon both the assessed valuation of taxable property and the rates of taxation. In 1914 the assessed valuation of real estate, and horses and cattle in Philadelphia subject to taxation was \$1,643,006,784.00. In view of the fact that during each year the board of revision of taxes makes additions to and deductions from the assessed valuation submitted to the city controller at the beginning of the year, and that the city controller's annual report for 1920 is not yet available, we must base our figures for 1920 on the assessed valuation submitted at the beginning of the year. The assessed valuation of taxable real estate and taxable horses and cattle for 1920 amounted to \$1,942,731,342.00, an increase of 18.24 per cent. over the 1914 figure. The assessed valuation of *all* property taxable for local purposes in Philadelphia has risen from \$2,271,623,613.62 in 1914 to \$2,635,097,960.80 in 1920, an increase of 16 per cent.

The Tax Rate—Its Lack of Uniformity

As pointed out in our issue of December 12, 1918 (No. 342) it is not easy to say just what the tax rate in Philadelphia is. This is because real estate is

*Other than for the independent poor districts.

divided into three classes, and because real estate and horses and cattle in independent poor districts are exempt from the poor tax levied by the city council. This results in six rates applicable to real estate, and two rates applicable to horses and cattle for city and county taxes. The tax rate for the school district is uniform throughout the city. The city and county tax on money at interest and on vehicles to hire is also uniform throughout the city and has always been at the rate of four mills on the dollar.

The Increase in the Tax Rate

However, it is customary when speaking of the tax rate to refer to the rate applicable to real estate classed as "city" real estate not in poor districts, because that is the rate that affects the overwhelming majority of tax payers. In 1914 this rate was one dollar per \$100 for city and county purposes, and fifty cents for school purposes, or a total of \$1.50 per \$100 of assessed valuation. In 1920 the rate was \$2.15 per \$100 for the city and county and seventy cents for the school district, a total of \$2.85 per \$100 of assessed valuation. This represents an increase of 90 per cent. over the 1914 tax rate.

The Amount of Taxes Levied

If the assessed valuation of taxable property is multiplied by the rate or rates of taxation the result is the amount of taxes levied (but not necessarily collected), sometimes referred to as the tax levy. In 1914 the amount of taxes levied on real estate and on horses and cattle was \$24,207,073.58. For 1920 it was about \$54,000,000.00, or an increase of 124.58 per cent. over those levied in 1914. The amount of taxes levied in 1914 on all taxable property in Philadelphia was \$26,721,540.89 and in 1920 it was approximately \$57,000,000, or 113.81 per cent. higher than in 1914.

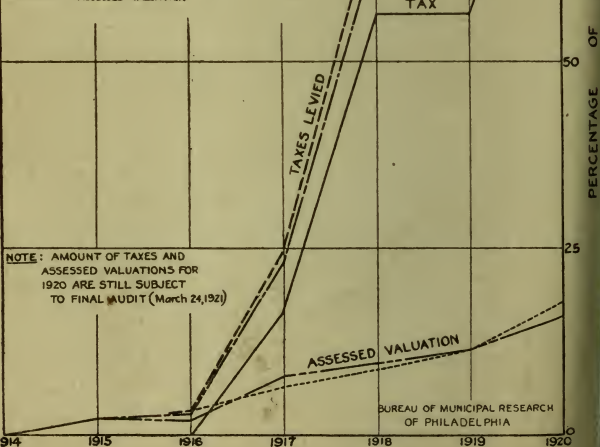
CHART SHOWING THE PERCENTAGE OF INCREASE IN TAXES IN PHILADELPHIA

(CITY, COUNTY AND SCHOOL DISTRICT COMBINED)

YEARS 1914 - 1920

KEY

- TOTAL TAX RATE ON REAL ESTATE, AND HORSES AND CATTLE
- - - AMOUNT OF TAXES LEVIED ON REAL ESTATE, " " "
- - - ASSESSED VALUATION OF TAXABLE REAL ESTATE, AND " " "
- AMOUNT OF TAXES LEVIED ON ALL TAXABLE PROPERTY
- - - ASSESSED VALUATION " " " "



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A Food Survey for Philadelphia

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APR 2 1921

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No. 462

March 31, 1921

The commission appointed to make the food survey resigned on December 26, 1919. It has not been re-appointed by the present administration. The problem of adequate facilities for food distribution is one of the biggest issues before the people of Philadelphia. To solve this problem a survey of conditions is necessary.

mayor named fourteen members of the commission, later adding a few more members.

Receives \$10,000 Appropriation

The commission held its first meeting toward the end of July and began its investigations during the summer months. On September 18, 1919, the mayor sent a communication to councils requesting an appropriation for carrying on the work of the commission, for, of course, little could be done without the necessary funds. On November 12, 1919, \$10,000 was appropriated for that purpose.

The Commission Resigns

Unfortunately, the money became available so near the end of the year that little was accomplished, because on December 26, 1919, the commission resigned, feeling that it was only courteous to give the new administration an opportunity of appointing its own commission. Thus far, a new commission has not been appointed.

A Food Survey Still Needed

This then is the status of affairs at the present time. *The need, although momentarily obscured by the present downward tendency of food prices, is just as great as before*, but no money seems to be available, for \$5,000 of the appropriation was transferred to other uses in October, 1920 and the balance, not previously spent, was merged or canceled at the close of the year. The commission should be reappointed and sufficient funds should be appropriated for its work. It was to urge this course of action that the delegation of women called upon the mayor a little over a week ago. The problem of adequate facilities for food distribution is one of our most important local issues and should be met without further delay. To solve this problem satisfactorily, a survey of conditions must be secured.

See.

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The Cost of a Workingmen's Standard of Living in Philadelphia at March 1921 Prices

No. 463

April 7, 1921

In this issue the living cost figures contained in the Bureau's report published in October 1919 by the Macmillan Company under the title "Workingmen's Standard of Living in Philadelphia" are brought down to March 1921.

DURING the month of March just passed the Bureau of Municipal Research of Philadelphia made its fourth survey of local living costs. The findings in this survey are presented in detail in the pages that follow.

The Bureau's Standard Budget

It is essential in the presentation of these findings to indicate briefly their basis and significance. In this as in the other three surveys, the Bureau used its own standard family budget as a basis for the collection and computation of price data. This budget, which was devised in 1918 after an intensive inquiry into standards of living of workingmen's families in Philadelphia, is divided into two parts. One of these parts we have designated as the "specified standard", because the items comprising it could be specified in terms of actual quantities of goods to be consumed and of services to be utilized. The other part we have called the "unspecified standard", because the items comprising it could not be readily specified in terms of quantities.

How Its Cost is Ascertained

In arriving at the annual cost of maintaining the standard of living represented by this budget, our method has been to ascertain first the cost of the specified standard, which has been found by investigation to be about 82 per cent of the total cost of living for workingmen's families. Having ascertained this cost, and knowing that the remaining 18 per cent of household expenditures comprising the unspecified standard are mathematically equivalent to about 21 per cent of the cost of the specified standard, we then computed the *total* cost of our budget by simply adding 21 per cent to the cost of the specified standard.

What Standard of Living It Represents

As for the adequacy of our budget, this may be judged best from a careful scrutiny of its detailed items. To describe the standard of living it makes possible in a word or in a phrase is extremely difficult, and yet for the purpose of discussion such a descriptive label is highly desirable. A number of years ago the U. S. Department of Labor used the term "a fair standard of living" in contra-distinction to a mere subsistence standard, and the Bureau of Municipal Research of Philadelphia, in its study of four years ago, followed the federal example. It must be confessed, however, that this term means very little. In more recent studies of the U. S. Bureau of Labor Statistics and of other agencies we find the use of the designation "a minimum standard of health and decency." This is much more descriptive than the term first cited and probably fits our standard better than any other designation thus far devised. We are, therefore, now substituting it for the term originally adopted.

The Standard a Basic, Not a Maximum Level

It will be noted that nowhere in the standard is there any provision for savings. The money available for insurance affords but a minimum of protection to the family should the breadwinner die. Expenditures for health must be kept exceedingly low. Only the scientific requirements of the human body are met by the food allowance. In none of the various classes into which the household budget is divided is there any appreciable margin of safety. In short, the standard of living that this budget represents is a basic level below which no family ought to be compelled to live. It should never be regarded as a maximum level beyond which any particular group of workers ought not to be permitted to go.

The Cost of This Standard at March 1921 Prices

As shown in the tables below, at March 1921 prices, it would cost a workingman's family of five persons \$1742.68 annually to maintain this standard of living. This indicates a decline in retail prices of 12.5 per cent below the level of August 1920, when our last survey of the cost of living was made. Apparently, however, we still have a price level 6.5 per cent above that of autumn 1918 when our first survey was made. The classes under the specified standard that show an increase since last August are housing, fuel and light, and carfare. The classes showing a decrease since last August are food, clothing, and cleaning supplies and services. In the case of fuel and light the increase is accounted for by a slight advance in the price of stove coal and by the reduced Btu content of the gas now supplied consumers, necessitating an increase of 5100 cubic feet in the annual quantity of gas allowed.

The Bureau wishes again to acknowledge its appreciation of the generous and courteous cooperation of all those who furnished the necessary information for this survey.

CHANGES IN THE COST OF A MINIMUM HEALTH AND DECENCY STANDARD OF LIVING

Classes of expenditure	Cost at autumn 1918 prices	Cost in, and per cent of increase from autumn 1918 to—					
		Nov. 1919		Aug. 1920		March 1921	
		Cost	Per cent	Cost	Per cent	Cost	Per cent
All classes	\$1,636.79	\$1,803.14	10.2	\$1,988.32	21.5	\$1,742.68	6
<i>Specified standard</i>	<i>1,352.72</i>	<i>1,490.20</i>	<i>10.2</i>	<i>1,643.24</i>	<i>21.5</i>	<i>1,440.23</i>	<i>6</i>
Housing.....	240.00	300.00	25.0	336.00	40.0	360.00	50
Fuel and light.	75.00	84.23	12.3	98.10	30.8	103.70	38
Food.....	660.09	674.30	2.2	681.82	3.3	556.45	15
Clothing.....	299.43	346.63	15.8	439.37	46.7	326.37	9
Carfare.....	35.40	35.40	.0	35.40	.0	44.25	25
Cleaning supplies and services.....	42.80	49.64	16.0	52.55	22.8	49.46	15
<i>Unspecified standard*—21% of cost of specified standard..</i>	<i>284.07</i>	<i>312.94</i>	<i>10.2</i>	<i>345.08</i>	<i>21.5</i>	<i>302.45</i>	<i>6</i>

*For a list of the classes included in the unspecified standard see page 11.

†Decrease.

REQUIREMENTS AND COST, AT MARCH 1921 PRICES, OF
 A MINIMUM HEALTH AND DECENCY STANDARD OF
 LIVING FOR A FAMILY OF FIVE, CONSISTING OF
 PARENTS, BOY OF 13, GIRL OF 10, AND BOY OF 6

TOTAL..... \$1,742.68

SPECIFIED STANDARD..... \$1,440.23

Housing—annual rent..... \$ 360.00

Two-story house, with six rooms, facing street; bathroom
 including toilet, washstand, and tub; laundry tubs;
 furnace; and facilities for cooking and lighting with gas.

Fuel and Light

	Unit	Price per unit	Annual quantity	Annual cost
Total.....	...	...	...	\$103.70
Coal, pea.....	ton	\$12.50	2.5	31.25
Coal, stove....	ton	15.50	2.5	38.75
Gas.....	1000 cu. ft.	1.00	31.1	31.10
Matches.....	box of 500	.05	52	2.60

Food

	Unit	Price per unit	Annual quantity	Annual cost
Total.....	...	...	...	\$556.45
<i>Bread and cereals</i>.....	...	...	...	113.83
Bread.....	16 oz. loaf	\$.08	988	79.04
Buns.....	15 oz. doz.	.18	41.6	7.49
Rolls.....	24 oz. doz.	.18	26	4.68
Cakes, misc....	lb.	.27	13	3.51
Cornmeal.....	lb.	.02½	26	.65
Cornstarch....	16 oz. pkg.	.09	13	1.17
Flour, wheat...	12 lb. bag	.75	13	9.75
Macaroni.....	12 oz. pkg.	.12	13	1.56
Oatmeal.....	lb.	.02½	52	1.30
Rice.....	lb.	.12	39	4.68
<i>Meats and fish</i>....	...	...	...	110.04
Beef, brisket...	lb.	.09	95	8.55
Beef, chuck....	lb.	.18	96	17.28
Beef, round...	lb.	.35	95	33.25
Chicken.....	lb.	.45	26	11.70
Fish, fresh....	lb.	.20	78	15.60
Fish, salt.....	lb.	.22	13	2.86
Pork.....	lb.	.32	65	20.80

Food—Continued

	Unit	Price per unit	Annual quantity	Annual cost
<i>Meat substitutes...</i>	...	...	...	\$138.97
Beans, dried...	lb.	\$.10	13	1.30
Cheese.....	lb.	.33	26	8.58
Eggs.....	doz.	.43	78	33.54
Milk, fresh...	qt.	.13	728	94.64
Peas, dried...	lb.	.07	13	.91
<i>Shortening.....</i>	...	...	...	39.65
Butter.....	lb.	.60	26	15.60
Lard.....	lb.	.14	32.5	4.55
Oleomargarine.	lb.	.30	65	19.50
<i>Fresh vegetables...</i>	...	...	...	45.44
Cabbage.....	2 lb. head	.14	39	5.46
Carrots.....	2 lb. bunch	.10	39	3.90
Corn.....	doz. ears	.30*	13	3.90
Lettuce.....	4 oz. head	.08	13	1.04
Onions.....	lb.	.02 $\frac{1}{2}$	91	2.28
Potatoes, white	pk.	.20	78	15.60
Potatoes, sweet	pk.	.90	1	.90
Spinach.....	pk.	.54	4	2.16
String beans...	pk.	.60*	4	2.40
Tomatoes.....	pk.	.60*	13	7.80
<i>Canned vegetables</i>	...	...	...	9.49
Corn.....	19 oz. can	.14	13	1.82
Peas.....	19 oz. can	.19	13	2.47
Tomatoes.....	19 oz. can	.10	52	5.20
<i>Fresh fruits.....</i>	...	...	...	22.43
Apples.....	pk.	.80	13	10.40
Oranges.....	doz.	.35	19.5	6.83
Peaches.....	pk.	.80*	6.5	5.20
<i>Dried fruits.....</i>	...	...	...	4.16
Prunes.....	lb.	.17	13	2.21
Raisins.....	15 oz. pkg.	.30	6.5	1.95
<i>Sugars.....</i>	...	...	...	22.82
Molasses.....	24 oz. can	.15	19.5	2.93
Sugar, gran....	lb.	.08 $\frac{1}{2}$	234	19.89
<i>Beverages.....</i>	...	...	...	23.40
Cocoa.....	8 oz. can	.24	13	3.12
Coffee.....	lb.	.29	52	15.08
Tea.....	lb.	.40	13	5.20

*Seasonal price.

Food—Continued

	Unit	Price per unit	Annual quantity	Annual cost
Miscellaneous.....	...	...	...	\$26.22
Baking powder	3 oz. can	\$.07	11	.77
Ice.....	25 lb. piece	.18	120	21.60
Pickles.....	14 oz. bot.	.17	15	2.55
Salt.....	4 lb. bag	.10	13	1.30

Clothing

	Price per article	Annual quantity	Annual cost
Total.....	...	...	\$326.37
Husband.....	...	...	\$77.10
Caps, wool and cotton mixture, 30% wool, lined or unlined.....	\$ 1.50	1	1.50
Hats, soft or stiff felt, medium grade.....	3.25	1½	1.63
Hats, cheapest straw, stiff brimmed.....	2.50	1½	1.25
Sweaters, 60% wool.....	5.50	1½	2.75
Overcoats, overcoating, 40% wool.....	20.00	1⅓	6.67
Suits, cheviot or cassimere, 50% wool....	20.00	1	20.00
Extra trousers, worsted face, cotton back.	3.25	1	3.25
Overalls, denim.....	1.00	2	2.00
Working shirts, cotton flannel or flannel-ette.....	1.25	2	2.50
Working shirts, cotton shirting.....	.90	2	1.80
Dress shirts, printed madras.....	1.50	2	3.00
Collars, stiff or soft washable.....	.25	6	1.50
Ties, silk and cotton, four-in-hand.....	.50	3	1.50
Suspenders, cotton or lisle elastic web....	.50	1	.50
Belts, cheap leather.....	.50	1½	.25
Handkerchiefs, cotton.....	.10	6	.60
Nightshirts (homemade), 5 yds. 36 inch muslin, thread, and buttons.....	1.35	1	1.35
Nightshirts (homemade), 5 yds. 27 inch outing flannel, thread, and buttons.....	1.25	1	1.25
Summer underwear, sets, Balbriggan.....	1.00	3	3.00
Winter underwear, sets, 25% wool.....	2.00	1	2.00
Socks, common cotton.....	.20	12	2.40
Shoes, gun-metal welt.....	5.00	2	10.00
Shoe repairs, half-soled and heeled.....	1.90	2	3.80
Rubbers, storm.....	1.35	1	1.35
Gloves, knitted yarn, 75% wool.....	1.00	1	1.00
Garters, cotton elastic web.....	.25	1	.25

Clothing—Continued

	Price per article	Annual quantity	Annual cost
<i>Wife</i>.....	...	...	\$ 72.21
Hats, plain velvet, little trimming.....	\$ 5.00	1½	2.50
Hats, plain straw, little trimming.....	3.50	1	3.50
Coats, Kersey cloth, pile fabric, cheviot, or mixtures.....	15.00	½	7.50
Wash dresses (homemade), 6 yds. 36 inch percale or 32 inch gingham, thread, and buttons.....	2.08	2½	5.20
Suits, wool poplin or other material, 50% wool.....	15.00	½	7.50
Skirts, serge, panama cloth, or plaid mixtures.....	5.00	1	5.00
Shirtwaists (homemade), 2½ yds. 40 inch cotton voile or 36 inch lawn, thread, and buttons.....	1.31	3	3.93
Shirtwaists, washable silk.....	3.50	½	1.75
Petticoats (homemade), 3¾ yds. 36 inch muslin, cambric, or sateen, thread, and buttons.....	1.29	2	2.58
Corsets, standard make.....	2.50	1	2.50
Corset covers, cambric with narrow embroidered or lace edging.....	.50	2	1.00
Summer underwear, cotton ribbed union suits.....	.50	3	1.50
Winter underwear, winter weight cotton union suits.....	1.50	2	3.00
Nightgowns (homemade), 4 yds. 36 inch muslin, or 27 inch outing flannel, thread, and buttons.....	1.04	2	2.08
Handkerchiefs, cotton.....	.10	6	.60
Gloves, cotton or chamoisette.....	.85	1	.85
Aprons (homemade, bungalow), 5 yds. 36 inch figured percale or 32 inch gingham, thread, and buttons.....	1.69	3	5.07
Stockings, plain cotton.....	.25	9	2.25
Shoes, gun-metal welt.....	5.50	2	11.00
Shoe repairs, half-soled and heeled.....	1.90	1	1.90
Rubbers, storm.....	1.00	1	1.00
<i>Boy, age 13</i>.....	...	...	66.75
Caps, wool and cotton mixture, 30% wool, lined or unlined.....	1.25	1½	1.88
Hats, wool and cotton mixture.....	1.25	½	.63
Sweaters, 60% wool.....	4.00	½	2.00
Overcoats, overcoating, 30% wool.....	7.50	½	3.75
Suits, 60% wool, cassimere, union cheviot, or suiting.....	8.00	1½	12.00
Extra trousers, 35% wool, union cheviot...	2.00	1	2.00

Clothing—Continued

Boy, age 13—Continued

	Price per article	Annual quantity	Annual cost
Extra trousers, cotton khaki.....	\$ 1.00	2	\$ 2.00
Blouses (homemade), 2½ yds. 36 inch per- cale or 32 inch gingham, thread, and buttons.....	.89	5	4.45
Collars, stiff or soft washable.....	.25	2	.50
Ties, silk Windsor.....	.35	2	.70
Belts, cheap leather.....	.50	½	.25
Handkerchiefs, cotton.....	.10	6	.60
Nightshirts (homemade), 3½ yds. 36 inch muslin, thread, and buttons.....	.95	1	.95
Nightshirts (homemade), 3½ yds. 27 inch outing flannel, thread, and buttons....	.88	1	.88
Summer underwear, sets, Balbriggan.....	.75	3	2.25
Winter underwear, sets, winter weight cot- ton, fleece-lined.....	1.25	2	2.50
Stockings, cotton ribbed.....	.25	18	4.50
Shoes, gun-metal welt.....	4.25	4	17.00
Shoe repairs, half-soled and heeled.....	1.40	4	5.60
Rubbers, storm.....	1.20	1	1.20
Gloves, fleece-lined, cotton back.....	.75	1	.75
Garters (homemade), 1 yd. cotton elastic web.....	.18	2	.36

Girl, age 10.....

	..	...	70.86
Hats, tailored straw.....	4.00	1	4.00
Hats, velveteen or corduroy.....	3.75	1	3.75
Sweaters, worsted face, cotton back.....	3.50	1	3.50
Coats, cheviot, 50% wool.....	8.50	½	4.25
Wash dresses (homemade), 4½ yds. 32 inch gingham or chambray, thread, and but- tons.....	1.88	8	15.04
Petticoats (homemade), 2 yds. 36 inch muslin and 2½ yds. lace or edging, thread, and buttons.....	.82	2½	2.05
Petticoats (homemade), 2 yds. 27 inch outing flannel and thread.....	.48	2	.96
Drawer waists, muslin.....	.50	3	1.50
Drawers (homemade), 2 yds. 36 inch mus- lin and thread.....	.52	6	3.12
Union suits, cotton, fleece-lined.....	1.00	2	2.00
Nightgowns (homemade), 3 yds. 36 inch muslin, 1½ yds. lace or edging, and thread.....	.92	1	.92
Nightgowns (homemade), 3 yds. 27 inch outing flannel and thread.....	.71	1	.71
Handkerchiefs, cotton.....	.10	6	.60

Clothing—Continued

	Price per article	Annual quantity	Annual Cost
<i>Girl, age 10—Continued</i>			
Gloves, fleece-lined, cotton back.....	\$.50	1	\$.50
Stockings, cotton ribbed.....	.35	12	4.20
Shoes, gun-metal welt.....	4.00	4	16.00
Shoe repairs, half-soled and heeled.....	1.20	2	2.40
Rubbers, storm.....	1.00	1	1.00
Garters (homemade), 1 yd. cotton elastic web.....	.18	2	.36
Ribbons, 1 yd. 3 inch silk face.....	.50	8	4.00
<i>Boy, age 6.....</i>			
	...	...	39.45
Caps, wool and cotton mixture, 30% wool	1.00	1½	1.50
Sweaters, worsted face, cotton back.....	3.00	1	3.00
Overcoats, overcoating or union cheviot, 30% wool.....	6.00	½	3.00
Wash suits (homemade), 2½ yds. 36 inch percale or 32 inch gingham, thread, and buttons.....	.98	6	5.88
Ties, silk Windsor.....	.35	1	.35
Handkerchiefs, cotton.....	.05	6	.30
Nightgowns (homemade), 3 yds. 36 inch muslin, thread, and buttons.....	.81	1	.81
Nightgowns (homemade), 3 yds. 27 inch outing flannel, thread, and buttons.....	.75	1	.75
Drawer waists, muslin.....	.50	3	1.50
Drawers (homemade), 1½ yds. 36 inch muslin and thread.....	.40	4	1.60
Union suits, cotton, fleece-lined.....	1.00	2	2.00
Stockings, cotton ribbed.....	.25	18	4.50
Shoes, satin calf, machine sewed or nailed	3.00	3	9.00
Shoe repairs, half-soled.....	1.75	2	3.50
Rubbers, storm.....	.90	1	.90
Gloves, fleece-lined, cotton back.....	.50	1	.50
Garters (homemade), 1 yd. cotton elastic web.....	.18	2	.36

Carfare

	Unit	Price per unit	Annual quantity	Annual cost
Total.....	...	...	...	\$ 44.25
Carfare of husband.	ride	\$.06¼	604	37.75
Carfare of family...	ride	.06¼	104	6.50

Cleaning Supplies and Services

	Price per unit	Annual quantity	Annual cost
Total.....	...	...	\$ 49.46
Personal.....	...	...	24.68
Toilet soap, small bar.....	\$.10	70	7.00
Toothbrush.....	.25	5	1.25
Toothpaste or toothpowder, 3 oz. tube or 4 oz. box.....	.24	12	2.88
Comb, hard rubber.....	.35	1	.35
Hairbrush, wooden back.....	.75	1/2	.38
Shoe polish, 2 1/4 oz. box.....	.12	6	.72
Barber's services:			
Husband, shave and haircut.....	.60	12	7.20
Children, haircut.....	.35	14	4.90
Household.....	...	...	14.57
Laundry soap, 11 oz. bar.....	.07	87.3	6.11
Starch, 1 lb.....	.08	6	.48
Bluing, 1/2 pt.....	.05	24	1.20
Clothesline, 1 yd.....	.02	5	.10
Clothespins, 1 doz.....	.04	2	.08
Stove polish, 3 1/4 oz. box.....	.08	13	1.04
Furniture polish, 1/2 pt.....	.20	4	.80
Cleanser, 1 lb. box.....	.06	36	2.16
Laundry service, 1 collar.....	.05	52	2.60
Unspecified cleaning supplies and services—26 per cent of cost of specified requirements.....			10.21

UNSPECIFIED STANDARD—21 per cent of specified standard. \$302.45

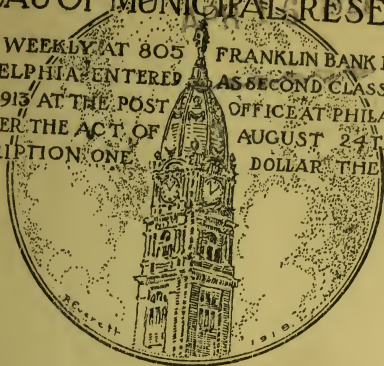
Health—3.1 per cent of specified standard—For physician, dentist, oculist, medicine, etc.....	44.65
Furniture and furnishings—3.3 per cent of specified stand- ard—For replacement of household equipment.....	47.53
Taxes, dues and contributions—2.3 per cent of special standard—For church, lodge, labor union, gifts, taxes, etc.....	33.13
Recreation and amusements—1.5 per cent of specified standard—For movies, playthings, excursions, etc.....	21.60
Education and reading—1.2 per cent of specified standard— For newspapers, school, postage and stationery, etc.....	17.28
Insurance—3.8 per cent of specified standard.....	54.73
Miscellaneous expenditures—5.8 per cent of specified standard—For spending money; moving, legal, and funeral expenses; and incidentals.....	83.53

THIS issue of CITIZENS' BUSINESS is especially designed in size and style for insertion in "*Workingmen's Standard of Living in Philadelphia*" as a supplement to the latter.

CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

ISSUED WEEKLY AT 805 FRANKLIN BANK BUILDING
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What Every Citizen Needs

University of Illinois Library

Urbana,

Ill.

No. 464

April 14, 1921

Did it ever occur to you, dear reader, that when you are confronted with the necessity of making an important decision there is nothing for which you crave so much as facts?

CITIZENS of a political state are continually confronted with the necessity of making important decisions. Theoretically, at least, all questions arising in the conduct of public affairs under our form of government are ultimately settled by the voting citizens themselves. In actual practice, to be sure, this is not always the case. An indifferent or an uninformed electorate may frequently permit a small minority to run things pretty much to its own liking and in utter disregard of the wishes of the larger group. It is, however, within the power of the electorate to resume control at any time and to settle the public questions confronting them in their own way.

In making these important decisions, how are citizens to obtain the necessary facts? In the first place, it takes *time* to ascertain the facts on any question, no matter how simple it may be. The average citizen, however, has but very little time to search for the facts himself, and public questions are usually anything but simple. The original sources of information, that is the public documents themselves, are for all practical purposes inaccessible to him. In most cases he is forced to rely upon some one else for his information.

But the moment we rely upon some one else we are confronted with a confusing situation. Different men speaking apparently with equal authority contradict each other. Our various organs of opinion present diametrically opposite views on the questions of the day. Everywhere we find advocates of this course of action or that, but seldom impartial observers and interpreters of facts and events. Under these circumstances what is the average citizen to believe and how is he to decide?

There are a number of simple rules that may prove helpful to every citizen in this perplexing situation.

One of these rules is to read and to hear both sides of every question. Another is to weigh the statements of different individuals according to their direct and personal interest in the outcome of the discussion. A third rule equally important with the other two is to appraise the competence of every spokesman to speak with authority on the particular question at issue.

Helpful as these rules are, they do not remove all the difficulties confronting the average citizen, and in recognition of this fact various research agencies have been established one of whose primary purposes it is to collect, interpret and disseminate facts within given fields of human interest. To these agencies it is expected that citizens may look with confidence for an unbiased presentation of all the pertinent facts relating to public questions.

As these agencies have come into existence in response to a demand for unbiased information, it is essential that their researches should be conducted along purely scientific lines. Complete freedom of inquiry is the very breath of life to agencies of this character. Let the facts lead where they will so long as they are the facts. The responsibility that rests upon research agencies is that they should always be sure they have the facts before they attempt to publish them. Their interpretations of these facts should always be well considered and should be made only by persons who through long study or through practical experience are well qualified to make such interpretations.

* * * * *

In CITIZENS' BUSINESS, one of the little by-products of the Bureau of Municipal Research of Philadelphia, an effort is made to furnish the citizens of this community with facts and interpretations of facts relating to public affairs that measure up to the standard

of impartiality and reliability just described. Doubtless we often fall short in this endeavor. Doubtless, too, we do not always meet the needs for information that our readers consider most urgent. We therefore ask every reader of CITIZENS' BUSINESS who has any criticisms or suggestions to make that will help us to improve our weekly message to communicate them to us. They will be received with welcome.

STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF AUGUST 24, 1912.

Of *CITIZENS' BUSINESS*, published weekly at Philadelphia, Pennsylvania, for April 1, 1921.

State of Pennsylvania } ss.
County of Philadelphia }

Before me, a Notary Public in and for the State and County aforesaid, personally appeared *William C. Beyer*, who, having been duly sworn according to law, deposes and says that he is the editor of *CITIZENS' BUSINESS* and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, *Bureau of Municipal Research, Philadelphia.*

Editor, *William C. Beyer.*

Managing Editor, *None.*

Business Managers, *None.*

2. That the owners are:

Bureau of Municipal Research. No capital stock.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are:

None.

(Signed) *William C. Beyer*

Sworn to and subscribed before me this 29th day of March, 1921.

(Signed) *Martha H. Quinn.*

[SEAL]

(My commission expires January 16, 1923.)

Vol. Sci.

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The Report of the Mayor's Committee on Equalization of Salaries

University of Illinois Library

Urbana,

Ill.

No. 465

April 21, 1921

Is the work of the civil service commission on classification of positions and standardization of salaries to be thrown entirely into the discard? If not, when is it to be brought into use?

TO the friends of standardization of employment conditions in the city service the recent report of the committee of the mayor's cabinet on equalization of salaries comes as a distinct disappointment. Why this should be so will appear from a brief review of events leading up to the submission of this report and an examination of the outstanding features of the report itself.

The Civil Service Commission's Report

It will be recalled that last October the civil service commission made a report to council embodying a classification of positions according to duties and recommending standard minimum and maximum rates of pay for each distinct class of work in the city service. This report was prepared in compliance with a mandatory provision of the new city charter, and the cost of its preparation, amounting to approximately \$22,500, was met by a special appropriation of council made in April 1920. The objects which the report sought to accomplish were to bring about equal pay for equal work, to replace the existing jumble of misleading payroll titles with standard and descriptive titles, and to establish definite lines of promotion from the lower to the higher grades of work.

Action on the Report Postponed

Almost immediately upon its submission, however, this report encountered difficulties. The mayor, who early in August had asked the civil service commission to furnish advance copies of its recommendations to the various department heads and had asked the department heads to embody the new standard titles and the new standard rates of pay in their 1921 budget requests, suddenly changed front when he came to review

these requests. In transmitting his budget to council on October 13, the mayor announced that, in order to stay within the city's next year's revenue under the existing tax rate, all proposed increases in pay, except for policemen, firemen, and a few other workers, had been eliminated. Nearly all the new standard titles also had been stricken out and the old ones had been restored. When the budget reached council there appeared to be just as little disposition on the part of that body to adopt the standard titles and the standard rates of pay as the mayor had shown in his final review of the departmental requests. It was not surprising, therefore, that on December 6 council decided to postpone all consideration of the civil service commission's recommendations until early in 1921 when more money might be available.

The Mayor Appoints a Cabinet Committee

On January 11 of this year the city controller reported a surplus of approximately \$1,854,000 remaining over from last year's operation. Since this sum was at least a million dollars in excess of the amount needed to put the new standard rates of pay into effect, it was expected by city employes and others that council would immediately take up the consideration of the commission's recommendations which were laid aside at the time of the 1921 budget deliberations. Immediately following this report from the controller, the mayor and council were virtually flooded with requests by city employes for increases in pay. As a result of this pressure, the mayor appointed a committee of his cabinet, consisting of the director of the department of public works as chairman, the city solicitor and the director of wharves, docks and ferries, to review all requests for higher pay and to report on a plan for the equalization of salaries and wages in

the city's service. After the lapse of about two months after the appointment of this committee, its report to the mayor was submitted to council.

The Character of the Committee's Report

An examination of this report, which was signed by the director of the department of public works and the city solicitor, reveals that it in no sense advances the cause of classification and standardization. It does propose increases in salaries for practically all employes under the free library board, and for about 250 workers in other departments, including the following: civil service commission; mayor's office; commercial museum; city architect; department of law; wharves, docks and ferries; public health; public welfare; public safety; and public works. In the office of the purchasing agent six employes are to have the bonus made part of their regular salaries, but no increases for them are recommended. The department of city transit in common with the county offices is not even mentioned in the report. Practically no changes in titles are proposed. There is no evidence anywhere in the report that standardization was in the minds of those who framed it. It is merely a list of positions, selected in a manner not indicated, for which either increases in pay, or absorption of the bonus in the regular salary, or both, are recommended. No reference even is made to the report of the civil service commission which might with great profit have been used as the basis of the work of the committee.

* * * * *

Why not stop dabbling with the problem of municipal salary and wage adjustment, especially when there is a plan ready for adoption for dealing with this problem in a comprehensive manner?

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Title, Title, Who's Got the Title?

University of Illinois Library

Urbana,

Ill.

No. 466

April 28, 1921

If the answer to the above question were quickly and cheaply ascertainable, the tribulations of all who become involved in real estate transactions in Pennsylvania would be materially lessened. In this connection the Uniform Land Registration Act, now in the legislature, merits careful consideration.

HOW does the purchaser of real estate in Pennsylvania know that his possession will be undisturbed by claimants with superior rights? Usually he doesn't know. So substantial is his fear that the courts will not protect his title that he generally does not feel secure unless he has bought title insurance. He can then depend upon pecuniary compensation if he loses his land because of a defect in the title.

The Present Title System is Hopeless

After all, the possibility of having a claim to insurance money substituted for the land he thinks he is buying is probably the least of the purchaser's troubles. The exasperating feature of our land title system—a feature due wholly to uncertainty as to titles—is the difficulty, expense and delay attendant upon all real estate transactions. What is worse, the present system, if continued, will inevitably become more and more burdensome. Searching a title to its source will become a longer and more exacting task, with the risk of error ever on the increase. As the risks increase so must the charges of those who insure against them.

The Torrens System—A Corrective

There has been introduced at Harrisburg a bill which would banish most of the annoyance and expense of dealing with real property. The bill establishes a land court and provides that suit for registration of title may be begun in the court by anyone claiming to have power to dispose of land. Suit having been instituted, notice is served upon all persons shown by the record to have any interest in the land in question, and, by advertisement, "to all whom it may concern." Guardians are appointed to represent "all persons under disability, not in being, unascertained, unknown, or out

of the state, who may have or appear to have an interest in or claim against the land."

Registration Drives the Clouds Away

The case is promptly heard and if the court finds that the claimant has title proper for registration a decree is entered naming the owner, describing the land, reciting liens, and any other pertinent facts. The decree is registered in the proper county, and the claimant receives a copy—his "certificate of title."

The registered owner now *knows* that his is the title which the state will protect. He has made defendants of all who had claims against his land and compelled them to prove their rights, or hold their peace forever. Under our present system an owner must wait indefinitely and in uncertainty for those whose claims "cloud" his title to make *him* a defendant.

The Assurance Fund

Suppose now that through mistake someone having an interest in the land has been overlooked in the registration suit. His right to the registered land is barred, but he is compensated from an "assurance fund," created by a tax of one-tenth of one per cent upon the assessed value of registered property, paid at the time of initial registration. As a matter of fact claims against the assurance fund are rare in other jurisdictions which enjoy the system, since slight difficulty is experienced in protecting all rights in the proceedings leading to registration.

The Fees and Ease of the System

The fees prescribed by the act for the initial registration are perhaps fairly comparable with the present expense of title search and insurance on the average small property. Once registration is accomplished, however, a buyer secures all the ad-

vantages of registered title through mere cancellation of the old certificate of title and the issuance of a new one. Title can be passed on the day the parties come to terms. The fee prescribed for issuance of the new certificate is \$5.00. Other real estate transactions may be completed just as simply, quickly, and cheaply.

Torrens Legislation Constitutional

In 1911 the governor of Pennsylvania appointed a commission to investigate the systems for recording deeds and mortgages and insurance of titles in other states, and to report its recommendations. The first recommendation was an amendment of the state constitution which would enable the legislature to enact a Torrens law. This amendment was adopted in 1915. The principle of the Torrens system had already stood the test of the federal constitution.

The Uniform Land Registration Act

In 1917 the commission, having studied the Torrens laws of fourteen states, the Philippines, Hawaii, Canada and elsewhere, and having found the system popular and successful where properly constructed, recommended the passage of the Uniform Land Registration Act, so called because it had been drafted by the National Conference of Commissioners on Uniform State Legislation. The act is the result of many years of research and embodies the best features to be found in land registration systems the world over.

The legislatures of 1917 and 1919 failed to act favorably on the commission's recommendation. On January 25, 1921, the Uniform Land Registration Act was introduced in the legislature as Senate Bill No. 57. On April 6th it passed second reading—and was sent back to committee. And now, April 25, it is still in committee.

The Island of Fiji has had a Torrens system since 1876.

Pol. Sci.

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“Out of Politics”

UNIVERSITY OF ILLINOIS LIBRARY

Urbana,

Ill.

No. 467

May 5, 1921

Government presents many problems, and they are not easily solved.

No formula offers a satisfactory cure for our governmental ills, and even a sound, workable program is likely to become obsolete very quickly in the present rapid march of events.

RECENTLY this Bureau received a letter from an active civic agency in a thriving inland city reading:

"Our health department is subject to the biennial disruption of a mayoralty election. Our public school system is under an independently elected board—with a consequent continuity of policy and superintendence.

"We are seeking information as to any municipal organization which sets out the health administration separate from the mayor and council."

An effort to reply helpfully to this letter stimulated a number of thoughts about the great problem of securing effective public administration, free from the blight of partisanship with its attendant evils of poor service and waste.

Separate School Districts

It has been a pretty general experience that separate school districts have proved more satisfactory than school departments functioning within the city government. Here in Philadelphia we think that schoolmen and laymen alike would be overwhelmingly recorded as preferring the present arrangement, effective since 1911, to the one formerly obtaining. In New York City, there is a large and growing sentiment for removing the board of education from the dominance of the mayor and the board of estimate and apportionment. Many other cities either find the separation successful or wish they had it.

Ad Absurdum

Our friends whose letter we quote seem to argue from the success of their separate school government that continuing the process of separation is sufficient to accomplish the millennial result of "continuity of policy and superintendence"—presumably a policy of service with economy. Is this belief justified? Has Chicago with its twenty or more separate local governments set any example of service or economy, or even responsiveness to the people?

If removing the health department from the control of the mayor and council is a good step, why expose the police, fire, works, welfare and other important city departments to the danger of "biennial [or quadrennial] disruption of a mayoralty election"?

Indeed, why have a mayor or council at all? Why not create an autonomous board for each municipal department and thus guarantee freedom from "politics"? To make assurance doubly sure, these boards should be self-perpetuating.

Snags

One of the main troubles with these pretty remedies is that government has certain economic aspects that are usually highly important. It is impossible to conduct any major activity of government without funds, and the question immediately arises: is your autonomous board to have the power to levy taxes and to borrow money? If so, is there any safeguard against mismanagement and waste, in the long run, other than the watchfulness of citizens and taxpayers? This suggests the fact that our human limita-

tions make watching a multi-ringed circus impossible. The same sound psychological reasoning that points to the short-ballot principle, commends the one- or at most two-ringed municipal circus.

Alternatives

It seems clear that the adoption of the "separation" principle involves a choice in each case of one of the following methods of selecting the board, commission, or individual department head:

1. Selection by the mayor, the council or other responsible municipal authority.
2. Selection by the governor, state legislature, judges or other non-municipal authority.
3. Election by the people.

The first alternative places the "independent" department precisely where it was before—under the control of the very forces whose control is feared to be "political."

The choice of the second alternative tends to result in a violation of the home-rule principle and in an attitude of indifference to the popular will on the part of the appointees.

The third alternative means lengthening the ballot, and no careful student of political development can fail to see that *the value of the franchise varies inversely with the length of the ticket.*

* * * * *

Let us *simplify* rather than *complicate*. If "the cure for the evils of democracy is more democracy," let us endeavor to allow democracy to function rather than create cumbersome devices to protect it against itself.

Vol. 1, No. 1

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Strike While the Iron is Hot

No. 468

May 12, 1921

Aroused public opinion served to defeat a vicious attack in the legislature on the municipal street cleaning provisions of the new charter. This aroused public opinion should now be mobilized to secure municipal street cleaning in all districts of the city, not later than January 1, 1922.

STREET CLEANING has again come to the fore as the result of an unsuccessful attempt in the legislative session just adjourned to modify the street cleaning provisions of the act of June 25, 1919—the new charter of Philadelphia.

Compulsory Inviting of Bids Was Proposed

It will be recalled that preference is given in the charter to direct municipal performance in street repairing, street cleaning and refuse disposal work. In fact municipal performance must be carried out, unless expressly set aside by a vote of council with the approval of the mayor. The law provides that council or the mayor prior to August 1st of any year *may* invite contract bids to ascertain whether it is to the best interests of the city to award contracts for all or any of the above work.

Senate Bill 1328 proposed an apparently innocent change of the word *may* to the word *shall*, thereby forcing council and the mayor, whether they so desired or not, to obtain contract bids each year, and thus opening up the issue of municipal versus contract street cleaning at each budget making. Fortunately the bill is dead, and since we cannot say anything good about this buried measure, let it rest in peace.

A New Consecration

It is now for us to dedicate ourselves to the unfinished task of securing municipal street cleaning in *all* districts of the city and to settle once and for all the problem that was supposedly settled in the passage of the new charter. So long as any contract street cleaning remains, pressure will be used to keep the institution alive. Accordingly our first step should be to support a movement to extend municipal work over the entire city at the earliest opportunity.

The accomplishment of this purpose will undoubtedly require the most intensive efforts of those who supported charter revision and of all others who have cried aloud in the past against filthy streets. The striking manner in which protests were made against the proposed change in the street cleaning law indicates that these forces are aroused and while aroused they should strike with telling effect.

Next Steps in the Program

Eleven of the thirteen street cleaning districts are now being cleaned under contracts expiring on December 31, but terminable on September 30, provided notice is given by the city to the contractors before July 1. Presumably special action by council would be required to terminate the contracts on September 30 and to transfer the appropriation in the 1921 budget for the

eleven district contracts to the city forces. Whether municipal work is begun on October 1, 1921, or on January 1, 1922, money must be provided for the purchase of plant and equipment.

It is reported that the mayor will shortly send a message to council which will deal with this question and give estimates of required initial outlay to extend municipal work. Such a report will open the administrative campaign to secure a full program of municipal street cleaning.

No Time to Be Lost

The events of nine months ago when the street cleaning policy for 1921 was being formulated at the eleventh hour, warn us that this year the decisions should be made early, in order to afford the maximum time for actual physical preparation. Accordingly, all of the civic elements interested in clean streets should begin now to mold a firm public opinion in favor of full municipal street cleaning and thereby create an irresistible public demand that will insure full councilmanic support of the measures necessary to accomplish this end. Once municipal street cleaning is in operation over the entire city, we believe that the controversy on this subject will become a dead issue and that the legislature will not again be worried with attempts to revive the obsolete and well-nigh universally abandoned policy of contract street cleaning.

CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

ISSUED WEEKLY AT 805 FRANKLIN BANK BUILDING
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SUBSCRIPTION ONE DOLLAR THE YEAR



Is "Daylight Saving" Legal?

University of Illinois Library

Urbana,

TEL.

No. 469

May 19, 1921

We believe in obeying the law. We also believe in securing for the city dweller the blessings of "daylight saving."

We believe that a careful perusal of the act of 1887 will show that the pending ordinance is within the law.

A Daylight Saving Ordinance Before Council

The prospect is good that council will pass an ordinance providing for what is popularly known as "daylight saving" during the period beginning with the last Sunday in May and ending with the last Sunday in September. The ordinance now pending appears to have practically the unanimous indorsement of all interests in the city.

The admitted advantages of "daylight saving," at least so far as urban interests are concerned, need no restatement; nor would the subject require notice here were it not for the very interesting legal status in Pennsylvania of a municipal ordinance tinkering with the standard of time.

The Act of 1887 Halts Action

On December 9, 1919, Philadelphia councils passed a "daylight saving" ordinance which undertook to advance standard time one hour during certain months. The city solicitor held that it was in conflict with the act of April 13, 1887,* which provides that eastern standard time "shall be the sole and uniform legal standard of time throughout this commonwealth." Thereupon council repealed the "daylight saving" ordinance, and during the summer of 1920 Philadelphia timepieces were perfectly orthodox.

Pittsburgh's Venture and Success

Pittsburgh, however, which is also subject to the act of 1887 already cited, was more presumptuous. In December of 1919 the solons of that city also passed a "daylight saving" ordinance—and stuck to their guns. Accordingly the residents of Pittsburgh operated under the revised summer schedule in 1920, and nothing happened about it until a few weeks ago, when the proprietor of a moving picture theatre in Pittsburgh petitioned the

*Re-enacted May 23, 1919, with a proviso subordinating it to any conflicting federal law.

common pleas court for an injunction to restrain the City of Pittsburgh and the councilmen of the city from "carrying into effect" the provisions of the ordinance in question. The gist of the court's decision may fairly be stated as follows:

The state law is paramount, and the local ordinance has no legal effect whatever. The ordinance merely amounts to a declaration of the members of council that in the good old summer time it is one o'clock at noon, and a recommendation to the public to act accordingly—just as the court itself does. Certain legal duties must be regulated according to eastern standard time, but otherwise the people may play with their watches and clocks as they please. There is nothing to show that the city or the councilmen propose to do anything about it, and so there is nothing to enjoin.

Thereupon the injunction was refused, and probably Pittsburghers this summer will again practice the rule of "early to bed and early to rise."

The Character of Philadelphia's Proposed Ordinance

Because this is a democracy, and the people want daylight saving, members of the Philadelphia council have adopted the same attitude of "What's the constitution among friends?" and the pending ordinance is expected to pass.

The pending ordinance does not, like its predecessor, attempt to advance the standard time for the entire city an hour ahead of the state's standard. It attempts only to regulate the timepieces over which the city has control, and to regulate municipal activities according to the regulated timepieces. It concludes with what amounts to a wish that the rest of us should do likewise.

The Basis of Its Legality

There has been a disposition to treat the Phila-

delphia ordinance as nothing but a younger brother to the Pittsburgh ordinance—legally a nullity, but actually effecting the result desired. It is a nice question, however, whether this attitude is necessary, and whether the Philadelphia ordinance does anything that the state law forbids. It is true the act of 1887 distinctly provides eastern standard time as the legal standard throughout the commonwealth. It is also true that the act goes further and says that this shall be construed to be the standard wherever any hour or time is mentioned “in any and all future acts of assembly, municipal ordinances, corporate by-laws,” and so on down through a long list of categories. We are prompted to wonder, however, whether those who have hurriedly read the law—including perchance the Allegheny judge—have not grown weary along this thorny path of categories, and failed to find the pot of gold at the foot of the rainbow! For there, after naming all the formidable things in which eastern standard time *must be meant*—including municipal ordinances—the law says, as an anti-climax: “*Unless a different standard is therein expressly provided for.*”

Daylight Saving Can Be Ours

Legal advice for which we have respect strengthens the opinion that the proviso to which we have called attention might well be construed judicially to give full legality to a “daylight saving” ordinance regulating city activities. It is a point worth pressing if the ordinance gets into court in Philadelphia.

But whether the ordinance is valid or invalid the important thing for those who want daylight saving is that we all comply with council’s suggestions and keep our watches an hour fast during the hot weather.

There’s no law against that.

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CITIZENS' BUSINESS

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Reducing the Tax Rate for 1922

University of Illinois Library

Urbana,

Ill.

No. 470

May 26, 1921

Council can easily make a considerable reduction in the 1922 tax rate and at the same time inaugurate a policy that will result in substantial savings in future years.

Can the Tax Rate be Reduced?

During the last few weeks assertions have frequently been made that a reduction of thirty cents can be made in the city tax rate for next year. As a matter of fact, these assertions have been made and indorsed in such a manner as to create a definite expectation on the part of the public that the tax rate actually will be reduced from \$2.15 to \$1.85 or less.

Taxpayers, accordingly, are interested in knowing whether or not the rate *can* be so reduced, and also what the chances are of such a reduction being made.

The first part of this question can be answered with an emphatic "yes." Council has it within its power to reduce the tax rate almost to any figure which it considers proper.

The Question Largely up to Council

The fact that council *can* reduce the tax rate is not, however, an indication that a reduction *will* be made. Council had it within its power last December to reduce the rate, just as did its two-chambered predecessor in December 1919, when instead the tax rate was increased from \$1.75 to the present one of \$2.15.

The question as to whether or not the tax rate will be reduced, and if reduced, by how much, rests almost entirely with council. There is, of course, a minimum below which the rate cannot go, for taxes must be levied to meet interest on debt, sinking

fund instalments, and those services of our local government that simply must be continued.

Some Conflicting Considerations

Between the natural desire of the citizens to pay as little in taxes as possible and the demands, on the other hand, for constantly increasing service, all sorts of cross-currents are at work.

What the tax rate ought to be, and how to give the taxpayers one hundred cents of value for every dollar of taxes, are most difficult problems to solve.

Reasonable Possibilities for 1922

As for next year's tax rate, this much seems reasonably certain: Council can, if it desires, make a substantial reduction in the tax rate for 1922, and at the same time provide for a normal expansion in the functions and services of the city. At this writing, no accurate detailed calculation of the amount of this reduction can be made, but the predictions of a thirty cent drop in the rate seem to be well founded.

Had council been able last December to forecast the large increase in the assessed valuation of taxable real estate for the current year, or the marked reductions in the cost of contract work, materials, and supplies that have taken place, the 1921 tax rate doubtless would have been made much lower than it is. These same factors, coupled with the likelihood of a considerable free surplus at the end of this year, make the outlook for a tax rate of \$1.85 or thereabouts very bright.

A Temptation and an Opportunity

It is in times like these, when the people have

become accustomed to the high cost of government, and the factors that brought about the heavy tax burdens are abating, that two diametrically opposite temptations present themselves.

Both have a tendency to continue the high tax rates. One tends to perpetuate and pyramid them, and so is to be avoided at all hazards. The other seems to keep taxes up, but in reality soon proves that it has operated to keep the tax burden down.

The objectionable course is brought to mind by the phrase "easy come, easy go," and lies in the ever-present temptation to be wasteful with "surpluses" or "nest eggs" and establish bad spending habits.

The advantageous course was recently brought to the attention of council by the city controller. He urges that a halt be called in the uses to which loan moneys are put. The suggestion that minor capital outlays be financed out of taxes in the first instance, and not out of loan funds at all, should unhesitatingly be adopted as a standing policy; and this time of surplus revenues is an ideal time to begin.

A Significant Contrast

On the basis of \$1,000,000 of minor capital outlays being so financed each year, instead of out of thirty-year five per cent bonds, the actual net savings in taxes and in expense after the first thirty years will exceed \$800,000 a year. These large annual savings, as well as other handsome savings in earlier years, will result from the adoption of a policy whose only cost is a \$451,000 heavier average annual tax burden for thirteen years than would otherwise be borne.

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The Gas Commission Reports

University of Illinois Library,
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No. 471

June 2, 1921

The outstanding feature of the commission's report is the recommendation for the adoption of a new and less rigid lease, providing for prompt and equitable regulation of gas rates and gas quality when conditions demand, and terminable upon reasonable notice by the city.

The General Character of the Report

On May 19 the report of the gas commission was presented to the mayor and council and made public. The text of the report covers over a hundred printed pages which, together with numerous appended diagrams and tables, make up a formidable document. Unfortunately it will not be possible for the full report to be read by any large number of citizens and the thoroughness of the treatment of the subject will not be widely appreciated. The commission's conclusions are, however, condensed into about five pages of text which have been largely reprinted in the public press.

The Major Recommendations

Briefly stated the commission has recommended: continuation of the leaner gas (530 Btu) now supplied because it will provide a better and less expensive gas *per heat unit*; future development of the gas works to supply gas according to a heat unit standard instead of the obsolete candle-power standard; adoption of a less rigid lease, terminable upon reasonable notice and providing for a municipal regulatory body empowered to determine the operator's compensation, and change the gas standard and gas rates as conditions require; retention of present gas price of one dollar pending lease negotiations; and possible use of city funds for urgently needed plant extensions.

Answers to Consumers' Complaints

Consumers have complained to the commission that with the 530 Btu gas it has been impossible to operate their appliances satisfactorily, that the gas gives off objectionable fumes, and that bills have been increased even as high as fifty per cent.

The commission reports that it is not aware of any appliances which cannot be adjusted to burn the leaner gas efficiently and economically and that the trouble has been due to the condition of the appliances. Further it is stated that nothing in the gas itself would cause objectionable fumes when the gas is properly burned, that is, with the proper mixture of air.

The commission states that in its opinion the reduction of seventeen per cent in heating value in the change from twenty-two candle power gas to 535 Btu gas will increase the gas required to do a given amount of work probably from ten to fifteen per cent.

Negotiations with the Company

The point of major importance discussed by the commission is the negotiation of a new lease. The commission reports that it is prepared to conduct such negotiations if authorized to do so. Not only must an outline of a new contract be prepared but it must be determined upon what financial basis the present lease is to be terminated. The report covers this subject rather fully but without definite recommendations except that the proper basis of adjustment be determined at the time of the negotiations for the new lease.

GOVERNMENTAL RESEARCH CONFERENCE MEETING

As the burden of increasing taxes presses more and more heavily upon us, there is a revival of some of the political jargon of 1910 such as "efficiency and economy," "retrenchment and reform," and "reduce the cost of government."

How much of this is sound? If governments cost too much, *why* do they? Are we spending too much for needed service? or are we wasting money on services that are not needed? How can we economize, and where can we begin?

In the name of economy, efforts are manifest to get rid of functions of government which represent social advance. Such useful tools of democracy as the Women's Bureau, the Children's Bureau, the Bureau of Labor Statistics, the federal and local commissions to regulate the industries and utilities, have been targets of attack. Is this a conscious or an unconscious effort? What is its purpose? What will be its effect on us? What services are worth while for government to perform? What safeguards will assure good performance of those functions? How should governments be organized to get the work done?

Philadelphia is having her part in contributing to a solution or at least to an understanding of some of these problems. The Governmental Research Conference of the United States and Canada is meeting here, June 2, 3 and 4, to discuss developments in governmental organization and their relation to present day needs. The conference is composed of more than thirty citizen agencies, representing New York, Chicago, Cleveland, Detroit, Minneapolis, Rochester, San Francisco, Toronto, Philadelphia and many smaller cities and some states. Its hosts are the City Club and this Bureau. Meetings are held at the City Club and friends of the Bureau are invited especially to attend the luncheon meeting on Friday at 12:30 and the session immediately following at 2:30 Friday afternoon.

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The Philadelphia Forum

University of Illinois Library,

Urbana,

Ill.

No. 472

June 9, 1921

The Philadelphia Forum recently organized has in it great educational and civic possibilities. Every citizen in this community ought to come to its support and to take advantage of its opportunities.

THE Bureau of Municipal Research extends its congratulations and its hearty good wishes to the public spirited group of citizens who have recently launched "The Philadelphia Forum."

General Character of the Forum

The purpose of this new institution as its name implies is to afford to the people of Philadelphia an opportunity of enjoying and of participating in platform events of a civic, educational, literary, musical and religious character. A feature will be made of the discussion of questions of national, state and municipal interest. All of these discussions are to be strictly non-partisan and non-sectarian. The sessions of the Forum will be held in the auditorium and the foyer of the Academy of Music. According to the announcement of the management, the Forum's first season will include seventy-five events beginning in October 1921, and continuing until the middle of April 1922.

How it Came to Be

The establishment of the Philadelphia Forum was brought about by the cooperative action of the University Extension Society, the Civic Club, the Academy of Music Corporation and the City Club. Each of these organizations is represented on the board of governors of The Philadelphia Forum. Its

executive and administrative work has been entrusted to the secretary of the University Extension Society who has been designated the executive director of the Forum.

A Cooperative Venture

Each of the four constituent bodies under whose joint auspices the new Forum is to be conducted will contribute towards its program. The University Extension Society will continue to present all of the best features of its former course of lectures. The Civic Club will transfer its usual series of discussions on civic problems to the platform of the Forum. In like manner the City Club and the Academy of Music corporation will make their contributions toward the season's schedule of events.

Its Important Mission

That this project is highly commendable needs no argument. It is designed not merely to continue the important and valuable work in which the University Extension Society took such a leading part in the past, but to expand the scope of this work and to improve its quality. The emphasis that is to be given to the discussion of civic topics is especially to be commended, for it is only through a fuller understanding of our common problems that we can achieve a better community life. If properly conducted and adequately supported, this new Forum should become a real people's

university to the residents of Philadelphia and the surrounding territory.

A Large Membership Needed

Like every other project, however, its success will depend almost entirely upon the popular support given it. A large membership is needed. The management expects shortly to issue a prospectus giving the schedule of events for the coming season and stating the fees and privileges of membership. No maximum limit has been set upon the number of persons who may enroll, nor does it appear desirable to set such a limit. With the spacious auditorium of the Academy of Music at its disposal, the Forum will be able to accommodate larger audiences than the University Extension Society could bring together in Witherspoon Hall. No doubt, as the need develops, branch lecture courses can be conducted in meeting places in different parts of the city. The greater the enrollment, the better will be the quality of the events that are presented, for the Forum is one of those institutions that thrive best upon a broad basis of cooperation.

Was It Ever Thus?

"No man undertakes a trade he has not learned, even the meanest; yet every one thinks himself sufficiently qualified for the hardest of all trades—that of government."

—Socrates.

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1921 Legislation Affecting
Philadelphia

University of Illinois Library,

Urbana,

Ill.

No. 473

June 16, 1921

Now that the governor's approvals and vetoes have been announced, it is possible to make a summary of 1921 legislation affecting our city.

Two Real Accomplishments

There has been universal agreement, among those who have given thought to civic matters, that, since the charter campaign, Philadelphia has had two needs with respect to her government that have overshadowed all others. One is an opportunity to revise out of the state constitution the archaic provisions which bind to her the dead weight of strait-jacketed county government and the magistrate system, and impossible limitations upon city planning. The second is the power to amend her own charter, without fear of uninvited interference from Harrisburg, and without having to run to Harrisburg to accomplish purely local ends.

The citizens of Philadelphia ought to be grateful to the legislature of 1921, for that body has gone as far as a legislature can toward supplying both these needs. It provided for the calling of a constitutional convention, if the people at the coming September primaries vote in favor of it. It also passed an amendment to the present constitution, providing for home rule for cities; and since this had been previously passed by the legislature of 1919, it is now ready to go before the voters of the state. If they vote favorably upon it, not only Philadelphia, but all the cities and boroughs of the state of at least 10,000 population will have a door opened to them from legislative domination of their internal affairs, and the legislature will have a corresponding much-to-be-wished-for opportunity to devote itself to state affairs.

Other Amendments Failed

A constitutional amendment to authorize the legislature to classify cities, counties, boroughs, districts and townships, for purposes of legislating differently to meet differing problems, was also passed, but in a different form from that agreed on by the 1919 legislature. Proposed constitutional amendments to consolidate common pleas courts in Philadelphia, to eliminate the coroner, to abolish the fee system, to set up

a state budget system, and to permit the legislature to create "metropolitan districts" all died in committee.

Legislating for Philadelphia: Some Good Measures Failed

Of twenty-four bills which came under the consideration of council's committee on law and municipal and county government, and its successor, council's special committee on legislation, six were enacted and eighteen failed of passage or were vetoed. The bills which survived amended the city charter to permit short term loans for repaving; reduced the number of ballots printed at election time; increased certain fees of the receiver of taxes; gave the city power to prevent sale or use of fireworks; defined "indebtedness," as the term is used in the charter; and carried into effect the constitutional amendment of 1920 which increased Philadelphia's borrowing capacity. The vetoed measures would have increased the pay of election officers, and empowered the city to exercise a firmer hand in regulating traffic. The other measures would have permitted city ordinances to be advertised by title only instead of in full; would have abolished the independent poor districts; empowered the city to prohibit private collection of garbage; made radical changes in the election laws; given the department of city transit some authority over privately owned utilities in the city, including power to represent the city in hearings and proceedings; empowered the city to punish default in payment of fines for violation of ordinances; extended the city's central purchasing system to county departments; extended civil service to county departments; permitted changing the purposes of authorized loans, where the original purposes have become impracticable; and given to council the power to determine the number and salaries of employees of county officers.

Program of the Mayor—and Other Programs

The mayor, during the session, sponsored eight measures. Two of them were exact duplicates of bills already introduced (and enumerated in our paragraph

above). The other six would have amended seriously the civil service sections of the city charter; changed the budget dates established in the charter, and changed the terms of councilmen so half would expire every two years; legalized the sale of bonds "over the counter"; made the finding of gambling devices a prima facie evidence of gambling; made corner loafing a misdemeanor; and made it a misdemeanor to have one's property used or occupied for fornication. All failed of passage.

Of two bills proposing to make the Philadelphia school board an elected body, one was defeated and one died in committee. A measure giving to council, rather than the school board, the power to levy school taxes, died in committee.

Three veterans' preference measures were introduced, one of which died in committee, while the other two were passed and vetoed because of unconstitutionality.

We Escaped Some Things

Of miscellaneous bills which affected Philadelphia local government, two were passed (prohibiting false fire alarms, and providing that real estate assessors shall be appointed without regard to party); two were vetoed (relating to the advertising of bond sales, and establishing the eight-hour day for prison guards); and a large number failed of passage, most of the latter meeting their fate in committee. Of those which did fail of passage, the list might be headed with a group of at least seven "undesirables," including the bill which would have required the annual reopening of the question of contract vs. municipal street cleaning; the attempt to limit the powers of the art jury to city-owned buildings; two efforts to limit magistrates' jurisdiction to their own districts; two bills restricting appointments in the public service to residents of Pennsylvania; and the effort to knock out the voters' assistance regulations of the primary act.

To the legislature, and especially to certain of its tireless members, there is a deep obligation of gratitude for blocking these and similar efforts.

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Our Urgent Need of a Food Survey

*University of Illinois
Library
Urbana
Illinois*

No. 474

June 23, 1921

Patch-work methods will not suffice in solving our food market problem. We need to devise a comprehensive plan based upon a thorough knowledge of the facts.

THE conference held June 14 in the office of the director of the department of wharves, docks and ferries to consider the feasibility of establishing municipal markets on the Delaware River front emphasized again the urgent need for a survey of food and market conditions in Philadelphia.

Our Market Facilities are Antiquated

Market facilities in the city are inadequate and antiquated. Three or more markets on the water front or in any section of the city or temporary curb markets will not help solve the problem so long as the city continues to have no adequate facilities for food distribution. Owing to the long hauls between wholesale markets and the uneconomical means for the quick transfer of perishable goods to a central distributing point the consumers are paying higher prices for their food supplies. A striking example of the wastefulness of present methods was brought out at the conference mentioned above. It was there stated that when produce is now transferred from points in the city on the Baltimore and Ohio to points in the city on the Pennsylvania Railroad it is first shipped back to Wilmington. So long as these conditions continue, producers will be disinclined to ship to the city many kinds of food supplies that might otherwise come to us. The very nature of the products requires the quickest possible handling to avoid deterioration and waste.

A Survey is the First Thing Needed

As the committee of twenty-one, a representative group of women interested in bettering market conditions, pointed out to the mayor in their interview with him on March 23, 1921, no substantial progress can be made toward the solution of this problem while the real facts are lacking. Hence, the need of a survey made by specialists to acquaint us with the facts. The problem is a big one and is of vital interest to all citizens. It cannot be solved by doing a little here and a little there. That method is only a makeshift. We must work out a comprehensive plan based upon a thorough knowledge of all the facts and then proceed according to that plan.

A Bit of History

A commission was appointed by the mayor in June 1919 to investigate the existing market facilities of the city and to ascertain what conveniences and facilities are needed for a quick and cheap wholesale and retail distribution of all food commodities. It was also to ascertain the probable cost to the city for the necessary site, building, and equipment of a terminal market; and to report all its findings at as early a date as possible. On November 12, 1919, \$10,000 was appropriated for carrying on the work of this body. About six weeks later the members of the commission resigned, feeling that the new administration should have the opportunity of appointing its own commission. Up to this time, however, the present administration has not appointed another commission.

Why Delay?

Nothing can be accomplished by putting off this question from year to year. Philadelphia needs better market facilities now. Her methods are cumbersome and expensive. A survey by competent specialists will be a big step in the right direction. Philadelphia is strategically situated as a natural distributing center and only needs proper development to take her place as a great market for perishable foodstuffs. This is a possibility of the immediate future and is dependent entirely on what action is taken at this time.

There is no more important factor in the growth of a city than its food supply.

A Tall Order

Our "general information service" has shown considerable resourcefulness in answering promptly the many and varied queries continually put to us about the affairs of our local and state government, but the following poser from a real estate broker in Montreal almost proved too much even for our imperturbable librarians:

"I am anxious to get together some statistical information in connection with municipal matters, covering forms of government, revenue, taxation, exemption from taxation, cost of administration, debt, systems of valuation for the purpose of taxation, ethics of good citizenship, growth, improvements and needs of municipalities, etc., and would thank you to send me by return mail, at my expense, any available information covering this field that you may have."

Since the garnered experience of twelve years of intensive civic work by our staff and the contents of our library and files could not very easily be sent "by return mail," we did the next best thing by dispatching at once some selected material.

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More School Nurses

No. 475

June 30, 1921

The appalling discovery when this country entered the great war that practically a third of our young men were unfit for military duty has made argument in favor of school medical inspection superfluous. It is now only a question of adequacy of service.

More Nurses Needed

The director of public health reports to the board of public education that more school nurses are needed. The director apparently feels that there is now a sufficient number of school medical inspectors (physicians) to comply with the requirement of the law that every pupil must be examined physically at least once a year.

This means that physical defects are being *discovered*, but despite splendid efforts, less than half of these defects are being *corrected*. Of course, a well-rounded health program must contemplate the existence eventually of adequate and accessible hospitals where the services of specialists can be secured, within the means of the parents, but as a necessary *next step*, the health director recommends enlarging the corps of school nurses.

It is the nurse who establishes the contact with the parents and who usually persuades them to take corrective steps; it is the nurse who gets the child in touch with the hospital or dispensary.

The Director's Memorandum

Briefly summarized, the high spots of the di-

rector's memorandum to the school board are these :

With the present inadequate number of school nurses there are 65,000 elementary school children entirely without nurse service. Moreover, there is no attempt to furnish this service to the elementary continuation schools, the Girls' Trade School, the junior high schools or the senior high schools.

There are at present many nurses who have 4,000 pupils in their assignments, while experience shows that the maximum number should be 3,000 pupils per nurse.

Despite limitations of personnel, the division of medical inspection of public schools is now securing correction of about 50 per cent. of the physical defects found by the medical inspectors.

It is proposed to broaden the work of the division of medical inspection of public schools by entering upon greater activity in correcting malnutrition and the promotion of hygienic habits, including dental hygiene.

It is recommended to inaugurate the plan of having one nurse for every 3,000 of the school population. This would increase the corps of nurses from 40, the present number, to 82, plus an additional nurse to be attached to the bureau of compulsory education, and one supervising nurse.

Director Proposes—Board Disposes

It is the proper function of the health director to make recommendations of this kind. He is the official who is technically informed as to the needs of these services, and it is his department which must concern itself with safeguarding the health of the whole community. It is the board of public education, however, which must vote the necessary money. The board has always shown so sympathetic an attitude toward efforts to improve the health of school children, that it will undoubtedly do all it can to meet the suggestions of the health authorities. The many demands on the board make its financial problem a serious one, but the cost of the school health service is so small in comparison with the total school budget, that the few thousand dollars necessary to carry the present recommendations into effect will not seriously jeopardize any of the other important projects that our school authorities are carrying out or planning for the future.

* * * * *

The health of our children rests largely with the educational authorities, for the vast majority of our future citizens between the ages of six and sixteen are under the care of the school system.

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The King is Dead! Long Live the King!

No. 476

July 7, 1921

Council has set aside the administration's plan for city-wide municipal street cleaning on October 1, but has committed itself to such a plan to commence on January 1, 1922, and has promised "to aid in every possible way the department of public works."

EVENTS have happened fast and furiously since May 19, when the administration presented a program to council to start city-wide municipal street cleaning on October 1 of this year.

What the Administration Desired

When the director of public works invited bids for street cleaning for the year 1921, he made the stipulation that bids were to be submitted on the understanding that the contracts could be terminated on October 1, 1921, if three months' prior notice was given. Contracts which were subsequently awarded for eleven of the thirteen districts were signed by the contractors with clauses containing this reservation. The administration desiring to exercise this option and to serve the necessary notice before July 1, forwarded two ordinances for the consideration of council; the one to appropriate \$1,250,000 from current funds to buy the necessary equipment, and the other to make available \$500,000 remaining in a loan item to be used for the purchase of land and the erection of buildings, including refuse destructors. The first ordinance contained a provision that city-wide municipal street cleaning should begin October 1.

What Council Has Permitted

These two ordinances were strenuously opposed and July 1 has passed without council consenting to the termination of the contracts on October 1. Such action by the city was characterized by some councilmen as illegal, but as various opinions supported its legality,

the opposition's objection was shifted to other grounds. It was claimed that the money requested for equipment could not be obtained from current funds in 1921, although the city controller in a letter to the mayor on June 29 reported unexpected and uncertified revenues for 1921 in excess of two million dollars. Finally at the special meeting of council on June 29, by means of a lengthy resolution, other defense was offered to support the refusal of the majority to accede to the administration's request. In this resolution emphasis was laid upon the facts that the administration did not support a full municipal program for 1921 and that council had understood that contracts in eleven districts were to be awarded for a full year. All of these arguments, however, could not alter the fact that it was within the power of council, both legally and financially, to begin full municipal work on October 1. Furthermore, while it might be argued that the administration was not instructed to award contracts for less than one year, it was still true that the contractors had agreed to a nine months' termination clause and council could ratify the agreement by authorizing cancellation under this clause.

A Full Program Promised for 1922

The resolution passed at the special meeting of council on June 29 promises support to a full program of municipal work after existing contracts expire on December 31. Certainly no serious objection could be raised to the passage of this resolution, which marks the first time in the eighteen months' operation of the new charter that council has committed itself to full municipal work. The resolution

states that council stands ready to aid the department of public works to inaugurate municipal street cleaning throughout the city on January 1 and will remain in session all summer, if necessary, to provide the needed funds. The director of public works is directed to present his plans at the earliest possible date for approval by council.

Actions Will Speak Louder Than Words

The majority in council who have taken upon themselves the responsibility of setting aside the plan of the administration for full municipal work on October 1, are in duty bound and should be held strictly to their pledge by the citizens of Philadelphia to aid the department of public works promptly and effectively to start the work on January 1. The public now has the right to expect that partisan antagonisms will be set aside on this issue and that council will be interested more in the broader phases of the plans presented and in their adequacy and suitability than in the less important details for which the administration must assume eventual responsibility to the council and to the electorate.

OUR NEW DRESS

With this issue which begins the second half of the year CITIZENS' BUSINESS appears in a new dress. The change has been adopted in order to make our weekly leaflet more suitable for filing and reference purposes than it was in its older form. There is a growing practice to use standard size filing material with a standardized perforation, and we are endeavoring to conform to this practice.

What do you think of it?

CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

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Permanent Solution of the Gas Problem

No. 477

July 14, 1921

There is danger of the city losing the value of the recent gas survey through merely temporary measures which are not designed to put the contractual relations with the operating company on a firm and advantageous basis.

SINCE May 19, when the report of the gas commission was presented to council, several public hearings have been devoted to this subject by council's committee on transportation and public utilities. On July 6 consideration was given to an ordinance and a resolution bearing on this subject both of which were reported back to council and will appear on the calendar on July 14.

A Forward Looking Policy

The purpose of the *resolution* now before council is to direct the gas commission, with the assistance of the city solicitor, to open negotiations with the gas company and submit to council the suggested basis for a new lease. The gas commission has made it clear that it is to the best interests of the gas consumer and taxpayer to provide an entirely new contractual basis with the operating company now and not wait upon the termination of the present lease in 1927. For that reason this resolution should be passed by council regardless of any other measures concerning the gas problem.

Temporary Relief Also Proposed

In addition to the *resolution* just described, there is an *ordinance* before council which proposes to amend the gas lease of 1897 by increasing the price of gas to the consumer from \$1.00 to \$1.25 and the company's share in this return from \$0.75 to \$1.00 per thousand cubic feet. The *ordinance* provides further that the gas delivered shall be of 600 British thermal unit content, which is 70 Btu higher than the temporary standard that has been in effect since August 15, 1920, and about 40 Btu lower than the heat unit content during the time that twenty-two candlepower gas was being furnished. If the *ordinance* passes, these provisions are to remain in force for one year.

530 Btu Standard Should Be Continued

It is entirely within the province of council to offer temporary financial relief to the company by increasing the price of gas to the consumer, or by decreasing the return to the city, or by both means, although the gas commission recommends the retention of the present price of \$1.00 and the 530 Btu standard pending the formulation of a new lease. But council will take a decided step backward if it does not provide for the continuance of a standard approximating 530 Btu. On this point, as might be expected, there is a division of opinion and since the permanent solution of the whole problem is so vitally affected, very thoughtful consideration should be given to this subject by council before any action is taken.

530 Btu Standard Objected To

The gas commission has stated that the twenty-two candlepower standard, provided in the lease of 1897, is both unnecessary and uneconomical, and that a heat unit standard approximately the same as now in effect (530 Btu) will provide a serviceable gas at an eventual lower cost per heat unit than a higher heat unit standard. The council in general agrees that the candlepower standard is obsolete, but statements have been made that consumers regard the 530 Btu standard as too low. Hence a standard of 600 Btu, or thereabout, is proposed for one year.

A Lower Standard Elsewhere in Pennsylvania

Against the unquestioned fact that there is some complaint on the part of gas consumers to the 530 Btu standard, we must weigh not only the recommendations of the gas commission, but also the fact that gas of even a lower heat unit content has been authorized by the public service commission for the whole of Pennsylvania outside of Philadelphia, while other states and cities have adopted as low or even lower standards. The U. S. bureau of

standards, an entirely disinterested scientific body, states that in its belief the best standard will be found between 525 and 585 Btu, or under some conditions even lower.

Complaints Against Low Standard Will Disappear

The gas commission asserts that the present objections to 530 Btu gas will gradually disappear when the consumers become accustomed to the new gas. Since the city will surely adopt a standard approximating the present one at some time if it does not do so now—for the very reason advanced by the gas commission, i. e., cheaper gas service to the consumer—it would be most unfortunate if the present advantage of having the gas consumer at least partially adjusted to the new gas should be lost by changing now to a higher standard. Any material change in the heating unit value will throw appliances out of adjustment again and cause additional complaint from the gas consumer in whose interest the change to 600 Btu is proposed.

Maximum Advantage to Gas Consumer and Taxpayer

There would appear to be sufficient reasons to support the claim of the gas commission that a 530 Btu standard does provide a serviceable gas. The complaints made against it are honest, to be sure, but nevertheless they will gradually disappear if the experience of other communities where gas standards have been lowered is to be relied upon. Accordingly, it is most unwise for council to change the 530 Btu standard materially and if financial relief is favored for the company it should be on the basis of 530 Btu gas. To adopt a 600 Btu standard, or thereabout, would disrupt the plans proposed by the gas commission to reconstruct the gas plants to manufacture gas more cheaply per heat unit. For the furtherance of this project the *resolution* before council should be passed and negotiations opened with the company for preparing a new lease.

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The Federal Budget and Tests of Administrative Results

No. 478

July 21, 1921

Facilities for studying the current operations of government and for making constructive recommendations for improvement are not the least significant provisions of the new law.

At Last a National Budget

Years of agitation by trades bodies, public spirited citizens and by students of government have at last resulted in a budget law for the United States. Thus the only great nation without a budget system finally falls in line.

It is a good sign that there have been so many evidences of popular interest in this constructive forward step. Front page news stories, numerous editorials and magazine articles attest the fact that the American people show an interest in their own vital affairs and that a fundamental change in conducting the nation's business can secure almost as much attention from the press as a prize fight, baseball, or a sensational scandal.

Budget Features

The act recently approved creates a bureau of the budget in the treasury department. The director of the budget and his assistant, however, are appointed by the president and are answerable solely to him. There is no provision for confirmation by the Senate.

The now almost universally accepted principle of executive leadership in budget making is recognized in the act, the president being required to transmit to Congress his "estimates of the expenditures and appropriations necessary in his judgment for the support of the government." The act requires that the president also present his proposals for financing such expenditures.

General Accounting Office

The same act provides for the establishment of a general accounting office, under a comptroller general, which is empowered to study governmental efficiency. This office is to be *independent of the executive departments*, and in large measure

of Congress itself. To accomplish this end the comptroller general and his assistant, appointed by the president with the advice and consent of the Senate, are given fifteen-year terms of office and are not removable except by joint resolution of Congress on specified grounds after notice and hearing, or by impeachment.

This unit becomes the central accounting, auditing and testing office for the whole government, except that the postal service will have its own bureau of accounts.

Important Features

In the achievement of this well-nigh revolutionary reform in conducting the nation's affairs, certain incidental features of the new law should not be overlooked.

Legislators, administrators and critics of government to whom the crude methods, loose organization and poor coordination in public business have been constantly apparent, are encouraged by several sections of the act. Section 209, which relates to the bureau of the budget, reads:

"The bureau, when directed by the President, shall make a detailed study of the departments and establishments for the purpose of enabling the President to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby."

Current Audit of Governmental Efficiency

Section 312 directs the comptroller general to

investigate all matters relating to the receipt, disbursement and application of public funds. His findings, together with recommendations looking to greater economy or efficiency in public expenditures, he is to report to Congress at the beginning of each session, or upon request to the president, either house of Congress or any committee thereof having jurisdiction over fiscal affairs. A subsequent section requires that all departments of the government give the comptroller all information demanded by him concerning their powers, duties, activities, organization, financial transactions and methods of business.

Thus two technically equipped instrumentalities of government are authorized to make current examinations of the business of any of the departments or other agencies of the government. While the language quoted above would seem to give the bureau of the budget and the general accounting office somewhat similar investigatory power, there should be work enough to prevent any clashes of authority. Moreover, the budget bureau's activities in this field seem to be conceived as eyes and ears for the executive, while those of the accounting office are to be utilized by Congress as well.

With these facilities for *current* examinations of operations, we should soon be in a position to eliminate waste and to improve service on a scale that will tell.

* * * * *

The federal budget law was one of the topics discussed by the Governmental Research Conference at its recent convention in Philadelphia. That the passage of the law marked a long step forward was the unanimous conviction of the delegates—technicians from various parts of the United States and Canada. The features emphasized in this pamphlet—those providing for current examination of governmental operation—appealed especially to this group.

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Higher Education at Lower Cost

No. 479

July 28, 1921

A number of cities have decided that their systems of public education ought to include college and university courses. The municipal university solves the problem for them.

The Times Change

Our public school system, originally conceived as an institution of charity, has in the last century traveled fast and far. "That the poor may be taught gratis" was the purpose for which the constitution of 1790 authorized public education. Under a statute enacted in 1818 "indigent orphan children or children of indigent parents," boys between 6 and 14, girls between 5 and 13 were taught in the "pauper schools." "Pay schools" cared for the others.

In 1836 the legislature authorized the establishment of the Philadelphia Central High School "for the full education of such pupils as may possess the requisite qualifications." We know now that a "full education" is not to be obtained in high schools, and it is not unusual that without the stigma of charity training is given at public expense through colleges and universities. Such institutions supported by states are no longer novelties. A more recent development is the university maintained by the municipality.

The Municipal University

In this country the best known schools for "higher" education financed and controlled by cities are The College of Charleston, S. C., University of Louisville, Ky., College of the City of New York (for men), and Hunter College (for women), University of Cincinnati, University of Toledo, and the Municipal University of Akron. Ohio, it will be noted, boasts three of the seven. Its preeminence is no doubt largely due to the fact that its laws empower cities to es-

establish universities and maintain them by special taxation—a condition more favorable than exists elsewhere in the union, although such power is perhaps objectionable on other grounds.

Space forbids an enumeration of the municipal colleges and universities in foreign countries, or of institutions which are not public property, but which give service akin to that given by municipal schools and receive in return appropriations of municipal funds.

The School Brought to the Student

The causes which call the municipal university into being are many, but chief among them is the desire to make cheaper and more widely available the training which follows high school graduation. The problem is not so acute where a private institution of higher learning is close at hand, but where distance makes it impracticable to send students to the school, the municipal college or university is proving that it is practicable to bring the school to the student.

Thus, Ohio has a wealth of good colleges, but Cincinnati found in a recent survey that of the more than 1500 of its citizens who attended its university at least 1000 would have had to forego the advanced training if it had not been obtainable in the "home town."

The Situation in Philadelphia

Philadelphia, blessed with two universities and numerous other professional schools, has somewhat less need for a municipal university than have other cities not so fortunate. On this point, however, New York City with its several private universities and colleges and its two successful city colleges

offers food for thought. We may well inquire of ourselves whether we are taking full advantage of the ability which from year to year passes out of our high schools.

All that we do now is to grant college scholarships to a limited number of our graduates. Less than 75 a year are selected to receive this assistance. Many more continue their studies, but without doubt there are many for whom the expense is prohibitive. It would be a mistake, however, to consider the subject only from the standpoint of the high school graduate, for there must be many others who would be glad to have the cost of special courses brought within reach.

Cheaper Education—Better Citizens

It is good business for a community to give its citizens all the education they can utilize. It is a short-sighted public policy which abandons the ambitious student at his high school commencement. His equipment then is such that he is reasonably sure of being able to take care of himself. A few more years, however, do more than increase his ability to help himself—they increase out of all proportion to the additional time and expense involved the return in service which the community expects to receive and does receive from its more highly trained citizens.

Philadelphia might increase the educational opportunities of its citizens either by founding its own university, or by more effective cooperation with institutions already existing. Which would be the better plan is a difficult question. Whether the city should increase the opportunities is a far less difficult question—indeed there should be no doubt about the answer.

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**“All That Glitters
Is Not Gold”**

No. 480

August 4, 1921

What has Philadelphia given for that \$206,950 premium which it received on its recent \$5,000,000 bond issue?

A Successful Sale

The sale by the city on July 18 of an issue of \$5,000,000 of 50-year $5\frac{1}{2}\%$ bonds of the city of Philadelphia at 104.139 and accrued interest was undeniably successful. The large premium received; the fact that more than seventy separate bids were submitted, totaling more than three and a half times the amount of the bonds offered by the city; and the fact that three banking syndicates competed at substantial premiums for the entire issue—these and several other facts made the sale one of the most successful that the city has ever had.

A Still More Successful Sale

Had the city offered these same bonds at 6% interest, instead of at $5\frac{1}{2}\%$, the sale would have been vastly more successful. The city would have received about \$650,000 in premiums, instead of \$206,950; and there undoubtedly would have been a very large increase in the number of bidders and in the total amount of the proposals submitted. Such a sale would have been heralded as a most wonderful demonstration of the high credit of the city and of the desirability of the bonds as an investment.

But—

Let us not be carried away with first impressions. Let us get down to bedrock. Let us see whether this hypothetical sale is a better indication of the credit of the city

than was the actual sale. Let us go a step farther and see whether the actual sale is a better barometer of the city's credit than a sale of those same bonds at $5\frac{1}{4}\%$ would have been.

The Answer

The truth of the matter is this: The hypothetical sale of the 6% bonds, the actual sale of the $5\frac{1}{2}\%$ bonds, and the hypothetical sale of the $5\frac{1}{4}\%$ bonds would, in all probability, have measured the city's credit at substantially the same mark. The $5\frac{1}{2}\%$ bonds were sold by the city to the banking syndicate on a basis of close to 5.27%, and resold by the syndicate on a basis of about 5.19%. In other words, the cost to the city on this \$5,000,000 of bonds is 5.27% per year, not $5\frac{1}{2}\%$; and the income to the investors is 5.19% per year. Any \$5,000,000 of bonds sold at the same time, whether the interest rate were 6, $5\frac{1}{2}$, $5\frac{1}{4}$, 5, or some other per cent, would have been taken by bankers and by investors on substantially the same bases, 5.27% and 5.19%, respectively, and would have cost the city about the same rate per year as the $5\frac{1}{2}\%$ bonds that were sold will cost.

An Opportunity Missed

Not for more than forty years has the city floated an issue of bonds bearing so high a rate of interest or costing so high a rate per year. To commit the city to this high cost for so long a time is hardly careful steward-

ship. Wisdom should have dictated the avoidance of such a costly committal. In anticipation of lower interest rates later on, and of the consequent opportunity to refund the bonds at a lower yearly cost, the city should have reserved the right to redeem them at par at the end of, say, five years, or on any interest date thereafter. Had it done this, of course it would not have received nearly so large a premium, but it would have been in the highly advantageous position of saving hundreds of thousands of dollars of the taxpayers' money within the 50-year period.

For a present premium of \$206,950 the city has placed itself in a position whereby its hands are tied and it is prevented from saving many times the value of that sum.

Verily, the city, like Esau, has sold its birthright for a mess of pottage.

A STEP IN THE RIGHT DIRECTION

It is gratifying to note that council has recently passed an ordinance requiring all future issues of the \$12,460,000 loan which was authorized in 1919, and of which nearly \$9,000,000 is still unissued, to contain the provision that the bonds may be redeemed at the option of the city at par at the expiration of twenty years from the date of their issuance or at any interest date thereafter. This is a step in the right direction; but in our opinion twenty years is too long a period for the city's hands to be tied—five years is long enough.

Council should not stop with this, but should provide for the redemption at par of all future bond issues at the option of the city, and should greatly shorten the period of non-redemption.

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More About the Gas Problem

No. 481

August 11, 1921

The proposition of drawing a new lease for the operation of the gas works seems to be gaining favor, but the matter of temporary financial relief for the gas company is still being considered by council although one such measure was vetoed by the mayor.

IN the issue of CITIZENS' BUSINESS of July 14 were discussed two measures then before council bearing on the gas problem. The purpose of one was to pave the way for negotiations with the gas company in regard to a new lease, while the other sought to amend the present lease for one year by increasing the price of gas to the consumer as well as the company's share in the receipts, and fixing a 600 British thermal unit standard. Consideration of the first measure was indefinitely postponed by council but the other was passed on July 14.

Mayor Vetoes the Relief Measure

On July 28 the mayor returned the relief ordinance to council without his approval, accompanied by a lengthy message. This message covers the subject very completely and is a distinct contribution to the settlement of the problem.

The message emphasizes the fact that by failing to provide for negotiations with the company to secure more satisfactory contractual relations and by requiring the maintenance of a gas standard much higher than the temporary standard of 530 Btu, council had ignored the recommendations of the gas commission. According to the commission the 530 Btu standard would provide a cheaper gas per heat unit than the higher standards.

New Measures Appear in Council

No action was taken by council to override the mayor's veto of this relief ordinance, but on August 4 several new measures were introduced. One of these provides for the reemployment of the gas commission to draw up a new lease and to inform council whether temporary financial relief should be accorded the company. A second measure provides for negotiations with the gas company in regard to a new lease to be conducted by a special committee of council together with certain administrative officials and other persons, the gas commission not being included by name. A third measure

provides temporary financial relief for the company but to a lesser extent than that provided in the ordinance killed by the mayor's veto.

Disagreement over Financial Relief

Opinions seem to differ concerning the need of temporary financial relief for the company. It will be recalled that the gas commission recommended the retention of the present price of \$1.00 until a new lease has been negotiated and a new price established. The relief measure now before council does not seek to raise the price of gas to the consumer above \$1.00 but would deprive the city of a portion of the yearly rental which reduces the amount to be raised by taxation for conducting the city's business. The mayor deals at some length with this question in his veto message and concludes that it is somewhat difficult to recognize the necessity for relief to the company with its well organized business and large surplus from the twenty-three years of operation under the lease.

Negotiation of New Lease Winning Favor

The proposal to revise the contractual relations with the company and to provide for the development of the gas works along modern lines seems to be gaining favor and doubtless some plan headed in that direction will be adopted by council. While the present condition of the gas plants fulfills the obligations imposed on the company under the 1897 lease based on the manufacture of 22 candlepower gas, the facilities do not represent the most modern practice when viewed from the standpoint of making gas in the most economical manner. The company could not be expected to undertake the estimated expenditure of \$15,000,000 in the next few years to change the gas plants over to a new basis of manufacture unless the price of gas is enormously increased. Such a procedure would impose an unfair burden upon the gas consumers during the remaining six and a half years of the present lease. Under the terms of a new lease it would be possible to apportion the cost of the improvements over the full life of such improvements and to lessen the

proportion of the load to be applied in the next few years.

530 Btu Standard Should Be Retained

The most modern practice in gas manufacture involves the production of gas of a reasonably low Btu content because this procedure utilizes the gas making materials to the greatest advantage and provides the cheapest gas per heat unit to the consumer. Perhaps some of those who oppose the retention of the 530 Btu standard do not realize that the gas consumer has a direct interest in the economical operation of the gas works. Too much weight should not be given to complaints against the quality of gas, for with the adjustment of appliances and the wider dissemination of knowledge of the true economies involved these complaints will gradually disappear. Such has been the experience of other communities. Reversion to a 22 candlepower standard, or even to a 600 Btu standard as proposed in the vetoed ordinance and in the substitute relief measure now before council, would delay the modern development of the gas works and prove disadvantageous rather than advantageous.

Cheaper Gas

If a new lease is negotiated the question of cheaper gas will depend for one thing upon the financial basis of terminating the present lease, or, in other words, upon the amount to be set aside annually until 1927 out of income to repay unamortized investment by the company. In general, cheaper gas will come only through cheaper manufacture of gas which the gas commission states cannot be secured so long as we maintain a 22 candlepower standard or even a 600 Btu standard. Cheaper manufacture involves the adoption of a gas standard of relatively low Btu content. A standard approximating 530 Btu will provide a gas which is not only serviceable for all purposes, but which will be especially acceptable to the consumer when gas rates are reduced and the gas is being furnished cheaper per heat unit than a higher Btu gas could be supplied per heat unit.

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The Municipal University— Another Angle

No. 482

August 18, 1921

The value of the municipal university does not end with affording opportunities for inexpensive higher education. The municipality needs the university as much as do the students.

CITIZENS' BUSINESS No. 479 discussed the municipal university and cooperation between the city and private institutions from the standpoint of the need of Philadelphians for higher education at less expense. There is another aspect of the question, equally important—the uses to which the municipality itself can put the university in the transaction of its business and the solution of its problems.

Training Schools for Public Service

The business of the modern city is of staggering complexity. Its problems can not be solved without the aid of trained specialists in hygiene, bacteriology, chemistry, education, sociology, engineering, finance, and all other phases of administration. Such specialists almost without exception are the product of colleges and universities. This dependence of the city upon the university and college is alone a potent reason for ownership and operation by the municipality of its own institutions of advanced education.

Technical Assistance for the Municipality

The usefulness of the municipal university, however, does not end even with the training of competent public servants for the city. Such institutions bring to the service of municipal governments very valuable technical facilities. In Cincinnati, for example, the municipal university does all the analyzing and testing for the engineering, purchasing, and other departments. The microscopic and chemical work of the city hospital is done in the university laboratories. Professors in the engineering college serve as experts on utility problems. Many other instances of cooperation between university and city both in Cincinnati and elsewhere might be mentioned.

Profit for All Concerned

The benefits of such cooperation are manifold. The "overhead" expense is less than it would be for city and university existing and working independently. The city receives from the university the highest type of professional service. The faculty, engaged in practical affairs of the city, is able to give courses which lack the dreaded overdose of "theory." The students are fortunate in having the city government itself as their laboratory.

Illustration: from Akron

In Akron, Ohio, the more advanced students in the university, under the guidance of the instructors, do the city's chemical and physical testing. Recently undergraduates in the civil engineering school conducted a survey of the city's paving, and the department of sociology assisted in a survey which led to greatly improved housing conditions. In all such cases the city receives expert service at trifling cost, and the students receive, in addition to credit for laboratory and field work, intimate knowledge of conditions in the community in which they are citizens and in which many of them will no doubt enter the public service.

Teachers' Colleges

Nowhere can the university cooperate with the city more effectively than in training teachers for the public schools. This is the primary purpose of the College of the City of New York, for men, and Hunter College, of the same city, for women. More than 550 graduates of the City College are teaching in the New York public schools. City College extension courses, intended principally for teachers, are taken by more than 5400. Statistics compiled several years ago showed that more than 75 per cent. of the graduates of Hunter College were teaching in the New York public schools.

Public Schools as Laboratories

Here again the municipal college can give its students an unsurpassed laboratory, the city's own public school system. An interesting example of the part which the municipal university can play in a system of public education is found in Cincinnati where the department of psychology has undertaken the work of testing backward children. This has led to the establishment of a special school for defectives where every effort is made to save the child from the blight of incompetency.

A Starting Point for Philadelphia

Many prominent educators regard it as anomalous that a public school system should not offer the training which it requires of its instructors. Philadelphia would have to plead guilty to this indictment. A normal school course, equivalent to about two years of college work, is obtainable in our public schools, but the schools demand at least four-year college courses from a great many of their teachers. It has been suggested that the extension of this normal course would be the logical starting point for the building of a municipal college or university for Philadelphia.

Cooperation with Private Institutions

It would be possible, of course, to cite many splendid examples of cooperation between cities and private universities. In fact, present tendencies are distinctly in the direction of such cooperation, so that where a city has one or more private institutions of higher learning there must always be some question as to whether it is worth while to erect a municipal university in order to secure the assistance which such an institution can render. In the light of the experience of other cities, however, and in the nature of the case, it would seem that the university owned and controlled by the community can be more readily and effectively bent to the accomplishment of municipal purposes than can the private institution.

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SUBSCRIPTION ONE DOLLAR THE YEAR



Has the City Charter Been Violated?

No. 483

August 25, 1921

Has the city recently borrowed money
on fifty-year bonds for current expenses?

A Wise Prohibition

The new city charter says, in unmistakable language, that the city shall not borrow any money whatever for current expenses, except through "emergency loans," which are limited to \$2,000,000 in the aggregate at any one time, and which must be paid out of the revenues of the city not later than the year after the one in which the loan was created. At the very outside, any money borrowed for current expenses must be actually repaid out of revenues within two years.

This is a wise prohibition. It represents the accomplishment of one of the major objects sought by the charter revision committee.

The City's Action Despite the Prohibition

Despite the letter and spirit of the city charter, however, and in spite of the almost universal denunciation of the long-term borrowing of money to meet current expenses, the city less than two months ago borrowed for current expenses more than \$200,000 on fifty-year bonds! And since the charter provisions regarding loans became effective the city has borrowed for current expenses about \$400,000 on fifteen, thirty, and fifty-year bonds!

How It Was Done

Let us see how the law has been evaded.

When the city sold \$5,000,000 of fifty-year 5½% bonds last month at 104.139, it received \$5,206,950 in addition to accrued interest. Of this amount \$5,000,000 represents the "principal" of the bonds, and \$206,950 is called the "premium."

There was a time when a premium on a bond

issue was looked upon as a profit, and when a discount on a bond issue was viewed as a loss. But not so now. We now know that premiums and discounts are expressions of the difference between the actual rate of interest and the nominal rate of interest paid on the debt, or received on the investment, represented by the bonds. We also know that if a city issues bonds at a premium it actually borrows the sum of the principal and the premium, and that if it issues bonds at a discount it actually borrows a sum equal to the principal less the discount.

By Way of Explanation

In other words, when the city sold the \$5,000,000 of fifty-year 5½ bonds at 104.139 it actually borrowed \$5,206,950—the sum of the principal and the premium; and it borrowed this money at 5.265% per year instead of at 5½%. Of this sum, the city will repay \$5,000,000 at the end of fifty years, and \$206,950 in increasing semi-annual instalments during the entire fifty-year period. The city will pay annually a sum equal to 5½% of the principal, but some of this nominal rate of interest is not interest at all, but on the contrary is a payment of part of the total debt. Each payment of “interest” represents actual interest on the unpaid debt (\$5,000,000 principal plus the unpaid portion of the \$206,950 premium) at the rate of 5.265% per year and a portion of the debt itself.

Why the Excess Borrowing?

Why did the city borrow \$5,206,950 when it ostensibly set out to borrow only \$5,000,000?

Is it that the city authorities were unaware of methods readily available to them, without loss

of any kind, to avoid borrowing more money than they set out to borrow?

Is it that the city authorities did not realize the serious disadvantages to the city of borrowing more than should have been borrowed?

Or, is it that the city authorities saw in the sale of the entire \$5,000,000 of bonds at a premium an easy way to secure \$206,950 for current expenses?

Some Effects of Excess Borrowing

Briefly stated, the two most undesirable effects of this excess or hidden borrowing of \$206,950 are as follows:

\$206,950 has been borrowed on fifty-year bonds and placed in the city's general fund where, if past practice is followed, it will be used for current expenses.

The city will lose during the fifty-year period more than \$250,000 in interest solely as a result of this excess borrowing.

The Door Should Be Closed

It is clear that this back door, through which money is borrowed for current expenses on long-term bonds, should be tightly closed. To leave it open longer is to invite greater and greater use of it to the disadvantage of the citizens of Philadelphia, and contrary to the spirit and, possibly also, the letter of the city charter.

To illustrate, had the city authorities desired to secure through this back door a still larger sum to be used for current expenses, they could have obtained it by offering the bonds at a still higher rate of interest. Had the bonds been at 6%, instead of at 5½%, the city would have secured about \$650,000 for current expenses instead of \$206,950.

CITIZENS' BUSINESS

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Plotting the Curve of Government

No. 484

September 1, 1921

In matters of government how many
of us realize in what direction we are
headed, and at what speed?

WE should like to reduce the history of government in Philadelphia to a "curve" which would show graphically the direction in which our public business has been travelling, how fast it has been going, and perhaps—by a projection of the line—where we can expect it to be at a given time in the future. We are not sufficiently clever to do this, though we are confident that if it could be done the results would be nothing short of startling.

Financial Growth

Consider, for example, the direction our curve would take between 1856—allowing Philadelphia two years to adjust itself to the city-county "consolidation"—and 1921. Roughly, \$75,000,000 a year is now being spent to meet our current city and school needs. The amount appropriated in 1856 for such purposes was about \$4,000,000. More than a million of this went to pay interest on the public debt. This year our interest payments will be in the neighborhood of \$8,000,000. With a population of approximately 500,000 in 1856 Philadelphia's government cost about eight dollars a year per capita. Five times this sum is the per capita cost in 1921.

Progress in Fiscal Procedure

Leafing through the ordinances of 1856 one finds other significant financial facts. One is impressed by the scores of ordinances appropriating city moneys—a planless hodge-podge which contrasts most unfavorably with the comprehensive ordinance now passed at the close of each year "for the adoption of a financial program" for the succeeding year, and making appropriations to effectuate the program. We have not yet arrived at our goal in budget procedure, but we have come a long distance since 1856.

The "Mandamus Evil"

The year 1921 shows slight advance over 1856 with respect to one feature—the "mandamus

evil." We find an ordinance approved May 17, 1856, "to forbid that any work shall be done without the authority of councils." Two weeks later appears an indignant resolution complaining that the ordinance has been "disregarded by the heads of several of the departments and especially by the department of city commissioners." Later in the year it was ordained that "the said city commissioners shall not disburse any money, enter into any contracts, or purchase any materials, or order any work done, * * * without special authority from councils." The ordinances then become silent on the subject, whether because the commissioners listened to the voice of reason or the councils gave up in despair we do not know.

Requiescat in Pace

That sixty-five years later there still exists power in county officers to spend money in defiance of council would certainly tend to point our graph in a horizontal direction. This tendency, however, would undoubtedly be corrected to some extent by the fact that not since a constitutional amendment in 1857 made it impossible, do we find ordinances such as that of February 2, 1856, which authorized the mayor to borrow "on the credit of the city corporation" the sum of \$1,050,000 to pay subscriptions to stock of the Sunbury and Erie Railroad.

Our Brave Fire Laddies

One cannot read the ordinances of the fifties and sixties without being somewhat diverted by the fire department, an organization of volunteer companies, subsidized by appropriations of city money. Their aspirations and ideals they sought to express in their names: "Hand-in-Hand," "Perseverance," "Fellowship," etc. One vain-glorious hose company dubbed itself "Niagara." Of course there were also the inevitable "Goodwill," and "Reliance." Then there was a piece

of apparatus referred to in the ordinances as "the Steam Fire Engine," apparently a gift to the city. Its name was "Young America." In 1856 councils twice gave direction that "the Steam Fire Engine" be put in running order, but "Young America" seems to have been obstinate and two years later councils resolved to give it back to the donors.

No More Fighting at Fires

Councils were not at all misled by the names of the companies and having provided for suspension of companies which might be found guilty of rioting or fighting, were compelled to impose the penalty time and again, year after year, until 1870, when there was created a paid fire department which quickly settled down to the business of fighting nothing but fires. Gone now are all the fine company names; prosaic numbers, both for companies and equipment, have taken their places. To some the angle of our "curve" would be inclined many degrees away from the horizontal by the history of the fire department.

1856 Dream Stuff

The year 1856 had its board of health; opportunities for gratuitous vaccination were being offered; the poor of course had their "guardians." But would not the citizens of that day have opened their eyes at talk of a department of welfare with its bureaus of legal aid, recreation, and constructive social service; at zoning commissions and art juries; at social courts and mothers' assistance funds; at a department of city transit; at any number of developments which we are wont to accept as commonplace?

* * * * *

One who is clever enough to plot the points 1856 and 1921 in Philadelphia government and draw his line between the points must have great courage in addition to his cleverness if he would venture to predict where the point 2000 A. D. will fall.

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The Present Status of Employment Standardization

No. 485

September 8, 1921

"We are driven back for our next fray
A newer strength to borrow,
And where the vanguard camps to-day
The rear shall rest to-morrow."

The Slow Pace of Progress

One sometimes wonders why reforms of the most obvious merit should be so slow in winning official approval. Witness the years of agitation it took to secure the enactment of a federal budget law. Witness the procrastination of most of our state governments in adopting similar measures. Witness also our own local authorities putting off from month to month and from year to year the appointment of a food survey commission and a city planning commission, the revision of our archaic methods of assessing real estate for taxation purposes, the adoption of the serial bond idea in city borrowing, the improvement of our water works, and the standardization of city employments so as to insure equal pay for equal work.

It is the last mentioned of these projects to which we would now draw your special attention.

Early Efforts Toward Employment Standardization

There are three official bodies whose approval is necessary to make employment standardization effective—the civil service commission, the council, and the mayor. In 1914 and 1915, when the first effort toward employment standardization was made, we had a civil service commission that ardently favored the project, but lack of active cooperation on the part of the other official bodies was sufficient to strangle the effort in its early stages. From 1916 to 1919, inclusive, we had a civil service commission that made another start toward the desired goal but soon lost heart in its work, and then seized with alacrity upon the world war as an excuse for dropping the project altogether. In the meantime, however, the new city charter had been placed upon the statute books, and it contained a provision making employment standardization mandatory. The new civil service commission which took office in January 1920 therefore had no choice in the matter except to proceed under this provision of the charter as promptly and as speedily as possible.

What Happened Under the New Charter Mandate

But even after legislators have given their command and administrative officials have set in motion the machinery of execution there may still be many a slip. So at least it proved in the case in hand. Early in the fall of 1920 the civil service commission made its report, but the mayor frowned upon it and council at first postponed taking any definite action with regard to it. The budget for 1921 was adopted without reference to the commission's report. Then, in February of this year, the mayor appointed a committee of his cabinet to make recommendations on the salary and wage situation, but the work of this committee contributed nothing constructive. Council itself disregarded the committee's recommendations and proceeded to tackle the problem in its own way.

The Councilmanic Committee's Report

After a series of public hearings, beginning on April 25 and ending on May 24, council turned the problem over to a special committee of five of its members. On July 14 the councilmanic committee made its report, attaching thereto a proposed ordinance making moderate increases in pay for 1310 low-paid positions scattered throughout various city and county departments. This ordinance was promptly adopted by council and on July 29 received the mayor's approval. The increases became effective as of August 1, 1921.

A Good-intentioned Recommendation

The ordinance thus adopted can not be said to advance in any essential particular the cause of standardization. In the text report of the committee, however, there appears the following:

"The committee had before it valuable data which will aid in putting into effect a practical standardization and equalization for the year 1922, and we recommend to department heads and bureau chiefs that they cooperate among themselves in an effort to use this information in making their requests for the 1922 budget."

This recommendation is of significance mainly as a recognition by the councilmanic committee of

the need of standardization. As a practical plan of procedure it is defective in that it fails to place responsibility for results upon a central agency and leaves the problem to be worked out by the uncoordinated effort of the various department heads and bureau chiefs. The logical official body for the task of guiding and coordinating the efforts of the various departments in this matter is, of course, the employment agency of government, the civil service commission. The committee, however, does not even mention the report already made by this commission.

The Plight of the Civil Service Commission

But there is still another difficulty. At present the civil service commission is not at all equipped to deal with the problem of standardization. Its current appropriation is not even sufficient to enable it to do the work of examining applicants in the way it should be done, to say nothing of taking on the additional task of re-vamping its report on standardization and applying it to present conditions in the city service. The commission has pressed its need for additional funds on several occasions, but without success. Doubtless this fact has something to do with the commission's failure to champion the cause of standardization more aggressively than it has since the submission of its report last autumn. The obvious next step, therefore, is to give the commission the funds that it sorely needs and then refer the problem back to that body for further report.

Onward March!

All this denotes that the cause of employment standardization has had rough sailing in the past and has no assurance of smooth sailing in the immediate future. Still some progress has been made. Good educational work has been done. Public officials generally have come to recognize the soundness of the principle of standardization, and not a few of them are now ardent advocates of it. Without doubt another effort toward standardization will be made soon, and where yesterday we failed we may succeed to-morrow.

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“What’s All the Shootin’ For?”

No. 486

September 15, 1921

This primary election again brings forcibly to mind the folly of the type of ballot we “enjoy” in Philadelphia.

But simplification can be secured only through comprehensive constitutional revision.

LET there be the keenest possible public interest in the impending primary election. Any contest at the polls achieves its purpose in just so far as it enlists the interest and participation of our voting citizens.

But what issues, if any, are at stake in this contest? Whether "organization men" or "independents" shall be elected to certain offices? Fine: *but why elect anybody?* Whether the spoils of office shall—or shall not—go to the followers of a political machine? Excellent: *but why have the offices?*

The Receiver of Taxes and the City Treasurer

Consider the receivership of taxes. What good does it do? The sole useful purpose served by an incumbent is to receive and collect the taxes, assessments, water rents, and certain other moneys due the municipality, together with certain state taxes, and to pay them over to the city or state treasury. The law requires him to pay over the city's money *daily*; and of every transaction he has to give an accounting to the city controller.

Consider the treasurership. The treasurer is required by law to "demand and receive from the proper officers all moneys payable to the city from whatever source," and to pay this money out upon duly countersigned warrants. While the money is in his custody he must keep it in approved depositories, and must make his deposits *daily*. He also must account for every transaction to the city controller.

One Officer Would Do

Two qualifications are necessary in the receiver of taxes: he must possess integrity, and he must be a "go-getter," able to deal with those of us who do not like to pay our taxes. Our treasurer likewise must possess integrity, and also sufficiently keen eyesight to distinguish accurately the controller's signature.

Is it inconceivable to find all three qualifications in *one* man? Do we have to retain both offices forever, just because the "practical" politicians of the

third-of-a generation-before-the-civil war conceived them that way? Why should we support *two* public officials, each on a \$10,000 salary, with retinues of 200-odd and thirty-odd subordinates, respectively, to do the *one* job of gathering in the money due the city of Philadelphia, keeping it in deposit, and paying it out as authorized?

And He Should Be Appointed

Vote your honest conviction who shall be the next treasurer and the next receiver of taxes; but insist that within another four years the two offices be consolidated. Having consolidated them, *make the job appointive*. New York appoints her city treasurer. So do Pittsburgh, Scranton, and all the Pennsylvania third-class cities. So do Boston, Baltimore, Cleveland, St. Louis, Buffalo, Los Angeles, and more than half the principal cities in the United States. Tax collecting is definitely the duty of the city treasurer in about a hundred such cities; and the collector, or receiver, is appointed in more than half the cities where his office exists separately. County treasurers are appointed in New Jersey, Connecticut, Vermont, Kentucky, and Louisiana. It works perfectly well. Our law lays down what the treasurer shall do, and when and how he shall do it. The best way to get a competent administrator is to appoint him. Put his subordinates under civil service. Eventually put *him* also under the merit system.

The District Attorney

Consider the district attorneyship. How do you judge the relative ability of two men to fill that office? If one has been an incumbent, you have his record to go by; but is that fair to the other? Suppose the incumbent decided not to run again: how would you decide among a group of aspirants who was best qualified for this professional post? The best way to get a good prosecuting attorney is to appoint him—as United States district attorneys are appointed, and as prosecuting attorneys are appointed in the counties of New Jersey, Delaware and Connecticut. Vote for the best man for district

attorney; then be honest and admit you have voted on a matter on which the electorate is really not competent to pass judgment, and take the office off the ballot.

The Register of Wills and Other Row Officers

The post of register of wills is another job of greatly exalted dignity. It requires integrity, and familiarity with the law of inheritance; but it is not a political office. It is purely ministerial. The register has fewer and less weighty points of public policy to decide than does the chief of the water bureau. Why clutter up the ballot with this job, when it could be filled better by an earnest, capable worker chosen through civil service?

Along with the foregoing should go five other offices—the coroner, the recorder of deeds, the clerk of quarter sessions, the sheriff, the city commissioners—who do not come before the voters this year but whose offices are equally inappropriate for popular election. It is not the *importance* of the office, but its *function*, which determines whether it should be elective or appointive.

The City Controller Properly Elective

That would leave one office properly before the voters—the controllership. The controller ought to be elected, because he is the eye of the public upon every act authorized by council or undertaken by the administration. To this post we ought to elect the person, of all persons we know, who possesses financial knowledge and whom we can best trust to safeguard the receipt of public money and *control* its expenditure just as *you* would control it if you sat there and it was all *your personal* money. If the ballot were purged of the offices now on it unnecessarily, public attention could focus, as it should, on the controllership with very helpful results.

When the time comes that the ballot is regarded as a means of expression for the will of the people, instead of being a means of confusing them, the city controllership will be the only “row” office to remain on the ballot.

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A Promising Youngster

No. 487

September 22, 1921

The bureau of legal aid, only thirteen months old, already has many interesting things to tell us.

ON August 1, 1920, the bureau of legal aid, department of public welfare, opened its doors to offer its services to those in need thereof "who for financial reasons are unable to retain private counsel." Almost from the very beginning the number of applicants for assistance was more than two hundred a week. The number has been steadily mounting until now it averages close to three hundred a week. A year's experience, of course, yields rather meagre information upon which to base a prediction of the future of a governmental agency, but certainly these figures indicate that there is a real need for the bureau of legal aid, and that a goodly amount of confidence in it is abroad in the town.

All Sorts and Conditions of Men

A more cosmopolitan group than the bureau's clients would be hard to find. They and their forebears have come from all corners of the earth. Their extraction, however, is no more various than the difficulties which bring them to the bureau. Perhaps a small estate is to be administered; a child to be adopted; a guardian to be appointed; or a will to be drawn. Or the trouble may be more serious. The landlord is again on the rampage; wages and other debts cannot be collected; the little boy's "bike" has been smashed by the big truck; the tongues of the neighbors have become vile and slanderous beyond endurance; and the piano bought on the instalment plan has been forfeited. The client is sometimes a prosecutor in a criminal case; sometimes a defendant. In these and a multitude of other ways the world has gone wrong and the appeal to set it right comes to the bureau.

No Rest for the Bureau

As would be expected, the handling of such a number and variety of cases involves a great deal of labor. Each case must be registered and referred

to someone learned in the law. If the allegations of the client indicate that the case is meritorious, there must be investigations, interviews, correspondence, drawing of documents, and in many instances, court work. The history of each case must be entered on cards, and the cards must be indexed and filed. It must be kept in mind also that the twelve or thirteen hundred new cases each month are not the only business of the bureau, for on the calendar are always many uncompleted cases from previous months.

Some Surprises

In view of the volume of the bureau's work several facts are somewhat surprising. The first is that the entire organization of the bureau, including the chief, attorneys, investigators, interpreters, and the clerical force, numbers only twenty-two persons. The second, principally the result of the first, is the low cost of the work to the city—an average at present of about \$1.75 for each case. The third requires a visit to the bureau's offices in City Hall to be appreciated. We might give the number of cubic feet of air or square feet of floor available to those who have business at the bureau's quarters, but such a statement would be colorless as compared with the impression that is gained from a glance into Room 587 during office hours. Simply to pass by it in the corridor gives one a crowded feeling. The bureau obviously needs more room.

Appraisal of the Results

The results achieved by the bureau are more or less difficult to analyze and appraise. Some, of course, are quite manifest. Statistics can be quoted to show the number of clients satisfactorily guided through legal formalities, the value of personal property recovered, the amount of debts collected, etc. But figures showing the number of cases in which the bureau obtains for the client what he wants, important as they are, must, it seems, shrink

into insignificance beside other results of the bureau's work—intangible results, which can scarcely be measured on a statistical or financial basis. No doubt many fine results which will assume importance in the future are not perceived at present or are but dimly perceived.

A Few of the Intangibles

What if the client is advised at the outset that he has no case, or if an attempt to win his case meets with failure? He now has the comfort of knowing that he has done all that could be done. This is of no mean value as compared with the feeling that perhaps something might be done if money could be found to pay the lawyer. Again, who will measure the worth of the respect which is won by a community and which the community will have for itself if, not content with the usual practice of simply defining the rights of its members, it takes the next step and makes it a matter of public concern that the rights be enjoyed? For, after all, a right which for financial or other reasons cannot be enjoyed is not worthy of the name.

A Big Opportunity

Already larger things are evolving in the bureau of legal aid than the mere adjustment of individual disputes. The bureau finds itself a clearing house for many of the ills of the city. It learns at first hand where the hard places are and why they are hard. In the classification of cases handled by the bureau, one is startled at the discovery that fully one-third are landlord and tenant cases. This is more than three times as many as arise from any other cause. In a great many of these cases the bureau finds the distress due to real-estate practices which are recognized as vicious but which are nevertheless legal. The opportunity in such cases to give individual relief is small, but the opportunity to formulate and champion general remedial measures is magnificent.

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Undermining Morale in the City Service

No. 488

September 29, 1921

What is the purpose and what will be the effect of the so-called "budget questionnaire" recently addressed to employees in the city service?

A Curious Document

About a month ago, a curious document, labeled "budget questionnaire," made its appearance in City Hall. It hailed from the mayor's office. From the instructions on its face and the questions that follow, one gathers immediately that the questionnaire is addressed to the employes in the various city departments and that the information it is intended to elicit is for the mayor's use. Exactly what use the mayor expects to make of this information and how it is related to the budget we do not know. A perusal of the questions, however, leaves us with grave misgivings as to the purpose of the document and its effect upon the morale and efficiency of the city service.

What it Contains

Below is a list of these questions. The italics are ours.

- 1 Name
- 2 Position occupied
- 3 Division bureau department
- 4 Age, (last birthday)
- 5 *Voting address*
- 6 Actual address
- 7 Give place of residence for five years prior to taking your present place of abode.
- 8 *In what division and ward do you now reside?*
- 9 When were you first appointed to the city service?
- 10 Has there been any change in your position since January, 1920? If so, what?
- 11 State also if your salary has been changed since that time and to what extent.
- 12 *Who were your recommenders when first appointed?*
- 13 *Who would be your recommenders now if same were required? (Give three names)*

- 14 What was your trade, occupation or means of livelihood before you entered the city's employ?
- 15 Give the names of three employers for whom you worked before becoming a city employe.
- 16 Have you, at any time, since entering the city service, been charged with inefficiency, neglect of duty, insubordination, or disloyalty? (Give dates and particulars)
- 17 Have you knowledge of other city employes who are neglecting their duties, or who are disloyal to the administration under which they are serving? (This question may be answered "yes" or "no." It is not necessary to give names)
- 18 Have you at any time since January, 1920, taken an active part in politics?
- 19 Are you a member of any political club or committee? If so, name the organization.
- 20 Have you directly or indirectly made contributions or donations to political campaign funds or committees? When? And in what amount? And to whom?
- 21 State simply what you estimate to be your duty, as a public employe, to the administration under which you hold place.
- 22 Are you willing to make affidavit that the answers herein given by you are true?
- 23 Name Address Date

Contrary to the City Charter

In the first place, the questionnaire is contrary to the spirit, and probably also to the letter, of the city charter. Section 16 of Article XIX of the charter reads:

"No person in the classified service, or seeking admission thereto, shall be appointed, promoted, suspended, reduced, or removed, or in any way favored or discriminated against, because of his political or religious opinions or affiliations. No inquiry in any application, ex-

amination, or investigation shall relate to the religious or political affiliations of any person.''

While it is true that the questionnaire does not ask directly for the political affiliations of city employes, yet this information is indirectly called forth by questions 12, 13, 19 and 20.

Duty and Loyalty—to Whom?

Again, it is difficult to acquiesce in the implications of the questionnaire with regard to duty and loyalty. It should go without question that a city employe's primary duty and loyalty are to the city of Philadelphia. The questionnaire, however, speaks only of duty and loyalty to the present administration. What is to happen to an employe who performs his duty faithfully and efficiently but who happens to have political affiliations opposed to the present administration? Is he to be adjudged disloyal? If so, what are to be the consequences of such disloyalty?

Undermining Morale and Efficiency

Finally, the questionnaire is bound to injure the morale and the efficiency of the city service. Take, for example, question 17. It is an invitation to every employe to spy upon every other employe. In place of the spirit of team work it injects that of suspicion and distrust. Other questions have the effect of placing a premium upon political loyalty rather than doing one's duty as a public servant. Under such conditions the man on the inside of the service cannot but lose heart in his work, and the ambitious man on the outside will quickly lose all desire to go into the service.

In the long run, the cost of lowered efficiency will be borne by the taxpayers.

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We Want Less, Not More, Separate County Financing

No. 489

October 6, 1921

It is not a question of whether or not we shall have soldier memorials. Let us assume the desirability of such memorials.

The question is: Shall the fiction of a Philadelphia county as distinct from the city be further emphasized?

BY an act of assembly approved March 17, 1921, "any county" may erect or maintain a memorial or monument in honor of those who served in the wars in which the United States has engaged.

Interest in this new statute is aroused in Philadelphia by a recent news-item to the effect that it is proposed to have the necessary petitions circulated and other steps taken in this county toward floating a county loan or levying a county tax. Study of this act suggests certain possibilities of far-reaching consequences.

What The Act Provides

Briefly, this act of the legislature (No. 15, session of 1921) makes it the duty of the county commissioners to submit the question of the erection of a memorial hall to the electors, upon the petition of 50 citizens and the approval of two successive grand juries. If a majority of the electors approve, the powers of acquisition by purchase, donation or condemnation are conferred, as is also authority to levy a special tax (up to two mills) to pay for the memorial within ten years. Authority to borrow money repayable within ten years is conferred in the same section.

The act also stipulates certain features for the memorials, such as assembly rooms and meeting places for veterans' and other patriotic organizations, and it creates a board of control to govern the memorial hall.

Good Features

We venture the opinion that a majority in the community will favor the general idea of having suitable war memorials. Words of warning will be uttered by the artistically competent to avoid some of the postwar monstrosities that our grandfathers inflicted on numberless American cities and towns.

But assuming good taste, usefulness and general appropriateness, there is a popular sentiment, we think, for honoring those who fought for us, by some form of memorial.

The stipulation that such memorials must be paid for within ten years is good—altho a shorter limit would be so much better. In line with the rapidly-growing conviction that long-term debt for non-revenue-producing improvements is bad public policy, it would be well to pay for these memorials in the shortest possible period within the ten year maximum.

Possible Danger For Philadelphia

Because of the general terms in which it is drawn, the act may lead to the view that the county commissioners of Philadelphia County are restored to the powers which they held prior to the consolidation act of 1854, to levy taxes and to borrow money. Shortly after we entered the great war, an effort was made to create a separate county debt for Philadelphia,* but the plan met with vigorous opposition and, fortunately, was abandoned.

A Bit of Hope

The present act does not specifically repeal existing law which vests the tax-levying and debt-incurring powers in council, where they belong. Nor is there even a blanket repealer section, which might be so construed. Accordingly, there is room for the hope that in Philadelphia any taxes or any loans for a war memorial will go through our city council.

It is not to be expected, of course, that our municipal legislative body will lightly give up their prerogatives in this matter of authorizing loans or levying taxes, but should the act of March 17 be interpreted as we fear it may be interpreted, it would be to the best interests of the city to have

*See CITIZENS' BUSINESS No. 258, May 3, 1917.

the step contested and to have the act judicially construed.

Another Point

Section 3 of the act provides that the tax authorized shall be levied "on the property taxable for county purposes." Now it so happens that under existing law property in Philadelphia is taxable for "*city and county purposes.*" This fact should add strength to the argument for continuing to keep city and county finances unified.

STATEMENT OF THE OWNERSHIP, MANAGEMENT,
CIRCULATION, ETC., REQUIRED BY THE ACT
OF CONGRESS OF AUGUST 24, 1912.

Of *CITIZENS' BUSINESS*, published weekly at Philadelphia, Pennsylvania, for October 1, 1921.

State of Pennsylvania }
County of Philadelphia } ss.

Before me, a *Notary Public* in and for the State and County aforesaid, personally appeared *William C. Beyer*, who, having been duly sworn according to law, deposes and says that he is the *editor* of *CITIZENS' BUSINESS* and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, *Bureau of Municipal Research, Philadelphia.*
Editor, *William C Beyer.*
Managing Editor, *None.*
Business Managers, *None.*

2. That the owners are:

Bureau of Municipal Research. No capital stock.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent. or more of total amount of bonds, mortgages, or other securities are:

None.

(Signed) *William C. Beyer*

Sworn to and subscribed before me this 26th day of September, 1921.

(Signed) *Martha H. Quinn.*

[SEAL]

(My commission expires January 16, 1923.)

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CITIZENS' BUSINESS

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Favorable Defeat

No. 490

October 13, 1921

Many of the strongest friends of constitutional revision found themselves unable to support the particular measure on this year's ballot.

THIS year's adverse vote on the calling of a constitutional convention does not mean that a majority of voters are opposed to revising the constitution. The voter at the September election was not free to vote yes or no on the simple question of rewriting the constitution; he had to vote yes or no on a particular legislative proposal, containing detailed provisions, which was put on the ballot by the order of the last legislature.

Those Twenty-five Appointed Delegates!

Among the provisions was the requirement that twenty-five of the 133 delegates to the convention be appointed by the governor. This one revolutionary provision, contrary to all American precedents and regarded by many as contrary to the principles of democratic government, cost the proposition thousands of votes. Besides, many people seemed to think they were voting on the *adoption* of a new constitution; for state departments received numbers of letters asking for "copies of the new constitution to be voted on." Others were influenced in their vote by the report of the governor's commission on constitutional amendment and revision, which had recommended not only 130 changes in the constitution but the text of a proposed new constitution embodying them. The legislature had written into the act under which the September vote was taken the requirement that the convention "consider" this constitution already prepared by the commission. The governor had announced that his desire for the power to appoint twenty-five delegates was due to his wish to appoint the twenty-five members of the commission, so that the state might have the benefit of their previous study and familiarity with most of the questions to be raised in the convention.

Did a New Idea Have a Chance?

To many voters, therefore, it seemed that the commission's proposed constitution, in a conven-

tion in which the members of the commission themselves would hold the voting balance, might be the alpha and omega of the convention's labors. Some voters who felt this way differed seriously with some of the commission's recommendations. Others felt keenly the necessity of making changes to which the commission, in its deliberations, had turned a deaf ear. A large part of the vote against the convention, therefore, was a negative but not necessarily a hostile vote.

There was a hostile vote, to be sure: a combination of the votes of various small groups, some of them very powerful politically, each with a particular interest to serve. But constitutional revision was defeated because many of its strongest friends found themselves unable to support the particular measure on the ballot.

Philadelphia Has a Big Stake

Meanwhile, the need for constitutional revision is just as urgent as it ever was. Every reason which has existed for it, still exists. Philadelphia alone (which contributed a quarter of the adverse margin of voters) has at stake the following interests, just to quote a partial list:

1. Permission to amend and revise her own charter, without state interference.

2. Freedom from the abuses of the mandamus evil.

3. Power really to consolidate city and "county" into one unified government.

4. Safety from "ripper" legislation.

5. Clarification and enlargement of the power to borrow money.

6. Power to assess benefits for public improvements.

7. Power of excess condemnation.

8. Power of "zoning," to safeguard legitimate property values.

9. Power to contract with neighboring

municipalities for jointly undertaking public works and meeting other common needs.

10. Freedom from "judicial appointments."

11. Abolition of the magistrates.

12. Power, if so desired, to elect council by proportional representation, by which a vote really counts for the wish of its voter.

For the state at large, an effective budget system cannot be established; the future of state appropriations to private institutions cannot be met squarely and settled; the courts and the legislature cannot be freed from constitutional handicaps; the tax system cannot be made equitable; county government cannot be changed to meet practical needs—except through comprehensive revision of the constitution.

The Outlook is Bright

For the citizen who wants these things, the outlook is hopeful. Returns which are so nearly complete as to be thoroughly reliable show that constitutional revision was lost in September by a margin of *about 12 per cent of the light vote cast on the measure*. If twelve voters out of every hundred who voted no had voted yes, the convention would have carried. The citizen who wants progress will find the way open. In addition to contributing his efforts to the cause of a constitutional convention which will meet within the next four years and which will be elected in a manner satisfactory to all the voters of the state, he will do well to urge the submission, as soon as possible, of individual amendments embodying the changes he considers most important and which do not depend upon general revision of the whole constitution. The prompt submission of every one of these amendments need not hinder the cause of general revision.

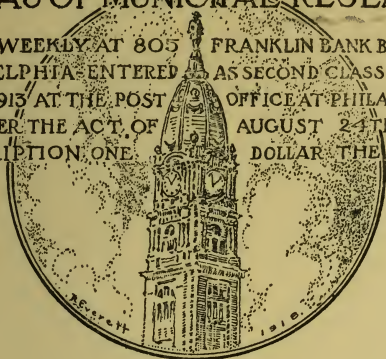
The first and most important of these ought to be a "gateway amendment," which will simplify the present complicated amending process.

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Now Is the Time to Pull Together

No. 491

October 20, 1921

The proposal of the department of public works to build incinerating plants and eliminate the insani-
tary dumps is deserving of commendation and sup-
port by those interested in improved city cleansing
service.

ON October 6 an ordinance was passed by council for the repeal of a prior authorization to appropriate land and build an incinerating plant in the thirty-eighth ward.

Plans are Upset

If this ordinance passed October 6 becomes law, as apparently it will, it will upset for the present the program inaugurated by the department of public works for the improvement of our refuse disposal activities. It will be recalled that the administration planned initially to build incinerating plants at several locations but was confronted with objections to the sites selected. The councilmanic committee on public property and service finally approved sites in the thirty-third and forty-fourth wards but even these locations were disapproved when the ordinance reached council. As a compromise a plot of land situated in the thirty-eighth ward, bounded by 17th, 18th and Cambria Streets and Indiana Avenue, was agreed upon by council in an ordinance passed August 4 and subsequently approved by the mayor.

Proceeding under this authorization the department of public works prepared plans for incinerating units at this location and advertised for proposals. Bids were received on August 26 but have been held in abeyance pending the outcome of the present effort to repeal the ordinance passed by council on August 4.

Incinerating Program a Civic Benefit

Any set-back in the program to improve our refuse disposal activities is naturally a disappointment to those who have championed the cause of municipal street cleaning and refuse disposal. The decision by council to begin city-wide municipal street cleaning on January 1 means much more to Philadelphia than the elimination of certain contract abuses. It presents the long-sought opportunity of improving the type of service performed by our city cleansing forces. Cleaner streets—at a much reduced cost—will perhaps be the most conspicuous gain, but a more urgent need is the elimination of the unsightly

and insanitary dumps that disgrace our environment.

It is hardly necessary to argue the proposition that these dumps should be eliminated. Any proof needed can be easily obtained from those who are unfortunate enough to live in the vicinity of the dumps. While there is no objection to using clean ashes to fill in our low spots, ordinary rubbish not only constitutes poor filling material but in addition catches fire easily and affords an excellent home and breeding-place for noxious rodents. The experience in other cities has shown that this rubbish, and garbage also, can be burned *cheaply* and *inoffensively* in *high temperature* incinerators.

Credit Due Department of Public Works

The new charter does not specifically mention incinerating plants nor the elimination of unsightly dumps, except as it gives power to the city to acquire or construct plants in general to be used in connection with street cleaning or refuse disposal. The exact means by which the city cleansing service should be improved were wisely left by the charter to the discretion of the properly constituted officials of the city. The charter made obligatory—or practically so—only the change from contract to municipal performance.

Living up to the *letter* of the city charter would, therefore, involve no more than the mere shifting of workmen from the contractors' pay rolls to the city's pay rolls. Perhaps a less aggressive director of public works would have been satisfied with the victory obtained in the authorized initiation of city-wide municipal street cleaning on January 1, 1922, and have been content to postpone somewhat the consideration of improvements in methods, particularly in the case of the incinerator about which there is unfortunately so much misinformation and popular prejudice. But the present director of public works deserves credit for his desire to live up to the *spirit* as well as the *letter* of the new charter in matters of street cleaning and of undertaking improvements

now in spite of popular prejudice and in spite of frequent lack of support.

Factors in Selecting a Site

In the interests of economy it is, of course, desirable to locate the incinerating plants at points close to our centers of population. By so doing savings are effected in collection costs. The advantage of more orderly and sanitary disposal of the city's wastes is, however, paramount to such savings. It does not follow from this that the incinerating plants should be located at remote points so as to avoid all possibility of objection to their location, for this might make collection costs unduly high. However, it might be wise in the beginning to select a site less advantageous from the standpoint of central location than those previously proposed but also less subject to popular objection, in order to afford an opportunity of demonstrating the possibilities of operating incinerators in built-up districts.

Now Is the Time to Pull Together

It is unfortunate indeed that the construction of the initial incinerating unit is delayed. Now that the site formerly approved is apparently going to be withdrawn, the administration and council should endeavor at once to select another site. And in the light of past events perhaps it would be the part of wisdom to hold public hearings prior to the approval of the site and so lessen the possibility of subsequent trouble. Let it be borne in mind, however, that the repeal of an authorization already made not only entails loss of energy and momentum but is a serious factor in injuring the morale of the department which is responsible for carrying out the city's program.

* * * * *

Notwithstanding temporary set-backs, there is much reason to believe that the incinerating plant program will get underway again in a short time and that in a few years we shall be able to look back upon the completion of another important piece of constructive work making for civic betterment in Philadelphia.

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Some Plain Horse Sense

No. 492

October 27, 1921

Which is better: Big premiums and big debt?
Or, small premiums and small debt?

Why Loans Are Authorized

When city council passes a loan ordinance it authorizes certain city officials to borrow on the faith and credit of the city a sum or sums which in the aggregate shall not exceed a specified amount. The emphasis is on the borrowing of money up to a designated maximum—not on the sale of a given amount of bonds. The authorization to issue bonds is merely incidental to the borrowing of the stated sum of money.

That sum is determined upon as the amount of money that needs to be raised by the sale of bonds in order to finance, let us say, the construction of a rapid transit system, which council considers necessary or desirable, but for which it does not wish to use tax moneys or other revenues of the city.

A Pertinent Question

Why, then, when council authorizes the borrowing of a given amount of money, does the city borrow more than that amount? Why does the city continually make the mistake of considering that an authorization to borrow, say, ten million dollars is really an authorization to issue ten million dollars of city bonds and to borrow as much money as those bonds are found to be worth? Somehow the cart has gotten ahead of the horse!

Excess Borrowing Should Be Discontinued

The disadvantages of excess borrowing are so great that prompt and effective measures should be taken to correct this improper practice so far as possible. To that end we suggest two simple ways by which the desired result can be obtained.

As pointed out in CITIZENS' BUSINESS No. 483, excess borrowings come about through the issuance of bonds bearing a higher rate of interest than the current market rate. For example, a 5 per cent 30-year bond issued in a 5

per cent market will sell at par, whereas a 5½ per cent 30-year bond sold in the same market will bring a premium of \$77,271.64 per \$1,000,000 of bonds, thus enabling, or forcing, the city to borrow \$1,077,271.64 when it ostensibly sets out to borrow only \$1,000,000.

Ideal and Practical Aspects

The ideal would seem to be to issue all bonds at par at the exact market rate, be that 5½, 5, 4 61/64, or any other per cent. But various factors make it impossible or undesirable to do this in all cases. First of all, there is the difficulty of foreseeing what the market rate will be at the time the bids are to be received. Then there is the unpopularity and slow marketability of bonds bearing unusual rates of interest.

But whatever the difficulties may be in the way of issuing bonds at or near the market rate, there are effective means of avoiding, almost entirely, the borrowing of more money than is wanted or authorized.

Successful New Jersey Practice

One of the best cures for excess borrowings, and consequently for preventing the use of borrowed money, in the guise of premiums, for current expenses, has been in successful use in New Jersey for several years, having been prescribed by the legislature of 1916.

This is a remedy that Philadelphia can use immediately, without waiting for either legislative authority or legislative command. It is simple enough for anyone to understand. *It is plain horse sense.*

When a municipality in New Jersey desires to borrow, say, \$1,000,000 it advertises, not that it offers \$1,000,000 of bonds for sale, but that it wants \$1,000,000 and will accept that money from the bidder or bidders who agree to take the smallest amount of bonds therefor, but in no event more than \$1,000,000 of bonds. In case

two or more bidders should each agree to supply the desired sum for the same amount of bonds the one offering the highest additional premium, but less than \$1,000, is awarded the loan. Thus excess borrowings are kept down to relatively unimportant sums.

Another Way of Doing It

The identical results can be obtained by offering the bonds in the usual manner, but awarding only so much of the bonds as will be necessary to secure the sum desired. For example, if \$1,000,000 of 5¼ per cent 15-year bonds are offered and the highest bid is 102.46, instead of issuing the \$1,000,000 of bonds and consequently borrowing \$1,024,600, the city would issue \$976,000 of bonds at 102.46, and thus borrow only \$1,000,009.60, or just \$9.60 more than was wanted.

Under the New Jersey plan this same bidder, instead of bidding 102.46 for \$1,000,000 of bonds, would have offered \$1,000,009.60 for \$976,000 of bonds.

Either plan raises the \$1,000,000 desired—exactly that sum, or else a slightly larger amount.

One plan directly applies as much of the premium as possible to the cancelation of full bonds before issuance; the other indirectly accomplishes the same result. Both have great advantages over Philadelphia's practice.

What To Do With Premiums

So far as possible, premiums should be eliminated in one of the two foregoing ways. But whatever premiums are not thus disposed of should be applied to purposes for which it is proposed and also proper to borrow money, or set aside toward the payment of the bonds in respect of which the premiums were received.

They should not be used for current expenses or for any purpose for which it is unlawful directly to borrow money.

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Home Rule for Philadelphia?

No. 493

November 3, 1921

Philadelphians will vote on it in 1922.

ONE year from now the people of Pennsylvania will vote on a very important proposed amendment to the state constitution, permitting the legislature to grant home rule to Pennsylvania cities. Its importance perhaps is realized only by those who have been familiar with the way city government in this country started wrong foot foremost at the very outset and the way legislatures have held cities under their thumbs ever since.

A city charter used to be a royal grant; and when Philadelphia and the other colonial cities were chartered, the charters came from the king or his proprietor. They were a sort of a combined contract and constitution, upon which all of the subsequent corporate activities of the city were based.

Charters and Politics

When we parted company from kings and royal proprietors, we vested this power in our legislatures. From that time on, legislatures have played politics with cities. The legislatures have had unlimited power to establish and mold the form of government and control the functions of our cities. Had this power been used wisely, America might have had a bright record of municipal development. It was not used wisely. A city charter no longer was a social contract, shielding the liberties and powers of the city dwellers. It was simply an act of the legislature, like any other legislative act: enacted, amended or repealed without the will, and even against the will, of the people whom it most affected. Cities have been helpless while their powers were shorn, needed powers withheld, burdens imposed, form of government changed, even officials ripped out of office—to serve the interest of political factions or other special interests, or because of ignorant treatment or of legislative neglect.

Strait-Jackets or Subterfuge

Most states consequently prohibited their legislatures from passing special laws about individual cities. That made it necessary to enact laws and charters applying rigidly to all cities alike. Nat-

urally, that did not work; so we tried classifying cities and making our laws apply class by class. That has not worked. Either our classification is too rigid and cities are strait-jacketed, as third-class cities in Pennsylvania now are, because they are governed by rigid rules applying to all other cities of their class; or it is too elastic, and we get into the plight of our neighbor Ohio, which for a time had eleven classes of cities, eight of which contained only one city each. That is tantamount to legislating for the cities specifically, only by subterfuge, as the Pennsylvania legislature now does for Philadelphia.

Home Rule

One-quarter of the states of the union have tried a fundamentally different course of action, recognizing that the legislatures had been trying to do practically impossible things. Their new aim has been so far as possible to place the control of local affairs in the hands of the people of the cities themselves, the state remaining a restricted superior in such matters and an unrestricted superior in matters of wider than municipal concern. This has involved (1) permitting the people of a city themselves to determine and change the form of their municipal government, and (2) giving the municipalities right to exercise any needed power or perform any needed function, except such as may be specifically withheld or taken away by the legislature in the interest of the state at large. Beginning with Missouri, in 1875, California, Washington, Minnesota, Colorado, Oregon, Oklahoma, Michigan, Ohio, Arizona, Nebraska, Texas, and Maryland have taken steps in these directions with generally favorable and satisfactory results. It is to permit the Pennsylvania legislature to take similar steps for the benefit of Pennsylvania cities, that this amendment is submitted.

It Seems To Have Worked

The granting of the right of cities to frame, adopt and amend their own charters has proved a wise step in all the states which have taken it. Had that been the procedure in Pennsylvania, Philadelphia would have been spared the ordeal of obtaining

her charter at Harrisburg as she had to in 1919; or of living in constant fear of unwelcome amendments, such as the trick bill to perpetuate the street-cleaning controversy, in this last legislature.

Establishing adequate municipal powers is naturally more difficult. There is no fixed dividing line between activities of local and state-wide interest. It is much harder to establish a zone of independent power for the city than to insure to it the ability to fix its own form of government. The operation of home-rule powers will practically always be subject to such general state laws as a legislature may believe necessary to protect the state's general interests, and cases of conflict or of doubt will be adjudged by the courts. In such matters as the exercise of certain police powers, and the regulation of public utilities whose operation are a matter of more than municipal concern, the granting of home-rule powers does not change the authority and jurisdiction of the state. In such matters as uniform accounting and reporting and safeguarding municipal financing, the granting of home-rule powers does not and should not tie the hands of the legislature from enacting general laws to which all municipalities must conform. But the preponderant experience of other states seems to be that a city is much better able to meet an emergency, and to render effective service to its citizens generally, when the presumption is in the city's favor, and not against it, in the exercising of some hitherto unexercised power to fulfill some plain municipal need.

THE TEXT OF THE PROPOSED HOME RULE AMENDMENT

Cities may be chartered whenever a majority of the electors of any town or borough having a population of at least ten thousand shall vote at any general or municipal election in favor of the same. Cities, or cities of any particular class, may be given the right and power to frame and adopt their own charters and to exercise the powers and authority of local self-government, subject, however, to such restrictions, limitations and regulations as may be imposed by the legislature. Laws also may be enacted affecting the organization and government of cities and boroughs, which shall become effective in any city or borough only when submitted to the electors thereof and approved by a majority of those voting thereon.

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Utilizing Rich Resources

No. 494

November 10, 1921

"The nation has awakened to the importance of the public schools. It is awakening to the need for better training for teachers and for better salaries that there may be better teachers, but it has not yet realized that the way to secure the best teachers is to allow them to become participators in the great scheme of education."—Ethel M. Gardner, before National Education Association, 1919.

Growing Appreciation

During the war period and in the year or two thereafter there was brought home to the citizens of our country as never before the importance of the public schools to our institutions and to the future of our civilization. And for the first time the importance of the teacher was sensed adequately by the "average citizen." How this was brought about—largely through the difficulty of maintaining the teaching personnel because of inadequate salaries and because of unsatisfactory conditions of employment in the school systems—is now a well-known story.

Growing Criticism

Paralleling the growing appreciation of the schools and of the teachers there has been developing a wholesome adverse criticism the beneficent effects of which are already widely apparent. It is encouraging to note that not a small part of the criticism has been by the members of the teaching profession itself, and the reader of educational periodicals cannot fail to realize the candor with which much of the criticism is expressed.

One of the major criticisms of our public school systems is summarized in the view that our educational administrations while usually able and progressive have not been democratic. How, many educators have been asking, can we train our youth for citizenship in a democracy in a system organized along autocratic, or at best, oligarchic lines? Some especially vehement commentators have not hesitated to use the word "slaves" in characterizing the state

into which they regard teachers as having fallen.

A Suggested Remedy

As a contribution to the cause of recruiting more and better teachers, and as a step in the democratization of our schools, educational councils have been inaugurated in a number of our large cities in recent years. These appear to have been uniformly successful and productive of good. While the councils vary in form and scope in the different cities, they embody these features in common:

They are representative of the rank and file as well as of the "higher-ups"

They are given official recognition and standing

Suggestions and criticisms of the administration are welcomed and are given serious consideration

Strictly professional matters—such as curricular questions and disciplinary and teaching methods—are considered within the province of the councils.

Philadelphia in Line

For the past few months Philadelphia has been considering plans for a council here. Just prior to the assumption of office by our new superintendent, a circular was sent out by the acting superintendent calling for a vote by every principal and teacher in the system on the question: Shall there be an educational council? Only about half the total number voted, but of those who registered an opinion the vote was about 30 to 1 in favor of the formation of a council.

Getting Started

When the new superintendent took charge, he advanced the organization of the council another notch by calling for the election of delegates from 25 groups to a constitutional convention. These 25 groups are partially functional or vocational, and partially geographical—that is, the specialized groups such as the (school) health service and the attendance officers are represented, while the regular grades chose their delegates by the administrative districts into which the city is divided. The preliminary call provides for one delegate from each 50 members of a group, or fraction thereof. The number of employees represented was 6926 and the total number of delegates 152. The plan is a recognition in principle, and a rough working out, of proportional representation.

The superintendent wisely declined to do more than call the delegates to order and then turned the convention over to officers chosen by it. The convention proceeded to select an executive committee which at this writing is studying plans of educational councils in other cities and is formulating plans for the one here.

What Good?

Among teachers and administrators alike there is confidence that this new move will justify itself. Not only in the less tangible but equally important elements that constitute morale is gain expected, but also in the practical working out of educational problems it is hoped to utilize the incalculable wealth of experience and judgment in the possession of our fine corps of school employees.

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“The Unofficial Government”

No. 495

November 17, 1921

On the theory that government exists for the welfare of the people, the executive secretary of the Philadelphia Welfare Federation coined a happy phrase to describe community-wide, but voluntary Philadelphia's improved health, safety and happiness.

MUCH is being said this week by word of mouth and in print about the Welfare Federation, and it is not our purpose to add still another to the many appeals for money or moral support. It seems appropriate, however, to consider briefly the welfare federation movement, and our own local federation, from the viewpoint of community relations and social tendencies.

Official Welfare Work

The last generation has seen an enormous increase in governmental activities in educational, health, recreational and charitable fields. This tendency has been due to an improved public conscience as well as to a recognition of the fact that certain functions can be adequately performed only through society as a whole—represented by government. That the results of this tendency have, in the main, been beneficent is the view held by perhaps the overwhelming majority of careful observers.

Private Welfare Work

The same period has also seen an enlargement in scope of activity and an immeasurable elevation in standards of the non-governmental agencies engaged in these fields. There are doubtless some who hold the view that all welfare activities should be governmentalized, just as there are many who hold to the opposite extreme and who stigmatize as "paternalistic" any activity by government which goes beyond its most elementary functions. The soundest position is doubtless somewhere be-

tween these extreme views; and in the very nature of things, any drastic change from the present status, in either direction, is not likely to take place in the immediate future.

The Problems Our Common Concern

Whether a particular piece of social work is done by a private agency, or by one supported by taxes, does not alter the fact that the social problems of the community, in the aggregate, are the concern of each of us. Hence there is logic in the view that the welfare program of Philadelphia is an integral unit, a part of which the citizens support through their taxes and the other part of which they support through their voluntary contributions. Were substantially all the private agencies included in the federation, as is the case in some cities, and which is the ideal towards which the trustees of the Philadelphia Federation are striving, there would be only the official and the unofficial welfare programs for the conscientious citizen to consider.

Some Practical Considerations

Aside from the philosophical or theoretical reasons for federating philanthropic and civic organizations, there are immediate advantages shown by the success of similar movements in other communities. These range from the establishment and maintenance of higher standards of work in the respective agencies, through the stimulation, encouragement and suggestion of the federation, to the economy resulting from securing the necessary funds in one effort instead of in a hundred or more drives, recurrent appeals, bazars, and all the other devices for raising money.

Broadening the Basis of Support

In connection with the latter, it has been found that more money can be obtained by federating than has ever been raised by the agencies going it alone; not only because a larger number of givers was enlisted but also because the large contributors were found to give even more generously to a federation than they had given, in the aggregate, in response to the separate appeals. Enlarging the numbers of contributors brings a moral gain in that it democratizes the "unofficial government." Whereas in the past the support of philanthropic and civic enterprises was of the nature of a feudal largesse, now everyone who can is invited to participate and thousands of moderate givers will have the feeling that they constitute the backbone of the enterprise.

Getting a Hundred Per Cent Picture

The experience of other federations has shown that seeing the community's problems as a whole makes it possible not only to avoid overlapping, duplication and other wastes of effort, but also—and this is even more important—makes it possible to judge the adequacy of particular parts of the social program, and to turn attention to necessary work that either is not even attempted or which is not undertaken on a scale commensurate with its importance.

* * * * *

Philadelphia is now in the midst of its welfare campaign. The objects of this campaign have been clearly set forth before the public. Upon its success is dependent the continued existence of 125 of the city's leading hospitals, charities and other community welfare organizations.

For the self-respect of Philadelphia—if for no higher reason—anything short of complete success is unthinkable.

CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

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What Really Happened in Cleveland

No. 496

November 24, 1921

Philadelphia's next-neighbor-but-one in the list of cities is to have a really representative council and a city manager.

WHILE Philadelphia was having a quiet election day, Uncle Mose Cleveland was getting a new city charter. Technically, it was an amendment, but it was drastic in extent as well as content, for it wiped out and replaced everything after the second section of the old charter. The vote which adopted it was decisive, 77,888 to 58,204.

Can't Pass the Buck

The new part of the charter starts out with the very best possible insurance against buck-passing, for it vests *both* the legislative and executive powers of the city in the council. Council cannot possibly quarrel with the mayor, because he is the president of council, elected by council's members from their own number.

This new council is to have a fixed number of members—twenty-five. They are to be elected from districts, from five to nine members from each district. The districts are to be established by ordinance, the number and size varying as the city grows, so that the number of representatives from each district shall be as nearly as possible proportionate to its population.

Docking Councilmen for Absence

A councilman's term is two years. His salary is \$1800, though council may pay more to the mayor. He may not hold any other public office or employment, and he forfeits two per cent. of his annual salary for each absence from council meeting; while ten consecutive absences, unless authorized by council, will vacate his seat.

The Administrative Hub

All of the administrative authority of council is required to be exercised through a city manager, who is to be appointed by council as the chief executive officer of the city. He is required to be chosen solely for his executive and administrative qualities and need not be a resident of either the city or the state when appointed. No member of council may be chosen.

The city manager is not appointed for any definite term but holds office during satisfactory service and is removable at the pleasure of the council. Council is forbidden to dictate or attempt to dictate

appointments under the city manager, or to deal with any of his subordinates except through him. The sternness with which the people of Cleveland are holding their representatives to account for the quality of service they expect from their city manager is evident from the charter's provisions:

"The action of the council in suspending or removing the city manager shall be final, it being the intention of this charter to vest all authority and fix all responsibility for any such suspension or removal in the council."

What a City Manager Has to Do

The duties of this city manager will make him:

- (1) Act as chief conservator of the peace,
- (2) Supervise the administration of the affairs of the city,
- (3) See that the ordinances of the city and the laws of the state are enforced,
- (4) Make recommendations to council,
- (5) Keep council advised of the financial condition and future needs of the city,
- (6) Prepare and submit the annual budget estimate,
- (7) Prepare and submit such reports as council may require,
- (8) Perform other duties prescribed by charter or to be required by ordinance or resolution.

The Mayor the Ceremonial Head

While the city manager is the business chief of the city and the mainspring of its service-rendering machinery, the titular and ceremonial honors go to the mayor. He presides at meetings of council. He is recognized as the official head of the city for all ceremonial purposes, for serving civil processes, and for military purposes. In time of public danger he may, with the consent of council, take command of the police to maintain order and enforce law.

Under the city manager are the directors of the city departments, appointed by him on the basis of ability and removable by him at any time. The charter requires departments of law, finance, and public utilities. Others are to be established by ordinance as needed. The city manager and the directors of departments are entitled to seats in council, without votes, but with the right to take part in discussion.

Each department is divided, as necessary, into divisions, each headed by a responsible commissioner or chief appointed by the director under the merit system. Each commissioner appoints all the officers and employes of his division, on merit and with the approval of the director of his department. The director of a department, furthermore, with the approval of the city manager, may appoint a board of qualified citizens to act with the commissioner of any division as a permanent advisory board on that particular branch of the city's work.

How Can They Trust Council with It?

How is it that the citizens of Cleveland are willing to trust this excellently balanced working machinery to their councilmen? Because they have made themselves morally certain that their councilmen will represent THEM. The twenty-five members of council are to be elected by proportional representation; that is, by a system which carries out accurately the principle that any group of voters, no matter what the idea or issue that gives it solidarity, is entitled to elect councilmen in its district in the proportion of the number of votes it can muster to the total vote of the district. Proportional representation is used by many other cities both within and outside the United States, and seems to have made good its claim to give the voter really a square deal.

The new Cleveland charter retains measures for keeping council on its good behavior: viz., measures for compelling action by council or else submission to the voters of ordinances which council may be refractory about passing; for referring to the voters ordinances or appropriations passed by council in the face of popular opposition; and for bringing obnoxious members of council before the voters of their districts for approbation or replacement.

Compare Philadelphia

The new charter, it is understood, will become effective in 1924, when the term of the present mayor-elect expires. What will Philadelphia have gained by that time, and how will her frame of government compare with this excellent public service organization of Cleveland's?

The frame of government is not in itself a guarantee of high-grade municipal service; but it makes the voter's problem simpler and helps tremendously in producing results.

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Reorganizing Pennsylvania

No. 497

December 1, 1921

Those who cannot endure the medicine because it seems too strong must be content with waste, inefficiency and bungling—and steadily rising cost of government.

—New York State Reconstruction Commission

How Governments Grow

When a great number of people rode and shipped goods by railroad, state public service commissions came into being. When cities became so numerous that they polluted each other's water supply, the state governments had to intervene. When a sufficient number of people bought insurance to make insurance companies very powerful, the state had to devise agencies for protecting the people who had bought the insurance. So through the entire range of activities—policing, building roads, safeguarding bank depositors, conserving game, fish and forests, and promoting the health and welfare of our people. For each acutely felt public need there comes into existence sooner or later a new arm of the state government.

They Grow Without Plan

Usually the extension has come reluctantly and has taken the simplest and often the barely acceptable form. Usually no great effort has been spent to make it fit in with the other organs of government. Frequently it has been simply a new board, or commission, or commissioner, tacked on to all that have already existed. But, from a standing start, many of these creations have expanded lustily, with little regard for duplicating each other's work; and where creating a new unit of government or expanding an old one has given opportunity for contributing to the needs—in power, jobs or money—of a political machine, the growth often has been facilitated marvelously.

Consequently, as a machine to render service to the people, state government frequently has failed. Compared with the perfect organizations which get results in business and politics, it has not been a machine at all. The responsible executive, or the well-meaning legislature, has found itself in possession, not of a government, but of

a lot of departments standing around in each other's way. It is the difference between a mob and an army. The army gets results.

Getting Service Out of Government

Sooner or later state governments have to give results in service: not simply a few results, but dollar for dollar. To reach this point, it is necessary to "reorganize" the mob of state departments, divisions, boards, commissions, bureaus, and what-not. This has been partially accomplished in New Jersey and Indiana, where substantial progress has been made in consolidating departments; in Illinois, where nine departments absorbed the functions of forty executive officers and fifty boards and commissions; in Idaho, where nine departments replaced forty boards, commissions and other administrative agencies; in Massachusetts, where two hundred independent agencies were consolidated into twenty departments; and in Nebraska, where a complete administrative code went as far as possible without constitutional amendment.

In Minnesota, Iowa, New York, and Oregon, steps have been taken toward the same end, though in each case, the recommendations have met with disfavor in the legislature. In Minnesota and New York, at least, some improvement has resulted. In ten other states, including Pennsylvania, effort has been made without substantial direct results. Pennsylvania is about to move farther in this direction in which she took her first definite step more than five years ago.

S. O. S. Pennsylvania

No one who is acquainted with the tremendous state capitol and its annexes in Harrisburg, its offices and outposts throughout the state, the myriad of things it undertakes and the multitude of people on its payroll, can be uncertain about the need for pruning and simplifying. No one at all observant of the finances of the state can be uncertain about the need of doing the pruning

and simplifying immediately. It is fortunate that the last legislature authorized a commission (two senators, two representatives, and three citizens of the state) to look into the possibilities for reorganization and report to the next legislature. Announcement has been made by the governor of the appointment of the seven members of the commission.

Reorganizations Which Have Paid

They will have the advantage of knowing the experiences, both favorable and unfavorable, of other states, many of them worse off than Pennsylvania, since our commonwealth made her last direct official efficiency effort. They will have before them the example and inspiration of Illinois, where the governor responsible for the reorganization program almost won the presidential nomination on the strength of his record. They will have the example and inspiration of Nebraska, where there are practically no more deficiency appropriations. Instead, the governor has been able to insist that each of his department heads set aside ten per cent of each annual appropriation as a reserve, which he may draw on if compelled to, but which he is expected to turn back to the treasury at the end of the fiscal period, or show cause why he had to spend it.

Keep Your Eyes Open

The hopes and good wishes of citizens and taxpayers should be with the new commission, to do a good job and do it thoroughly. As was done in Illinois, the findings of the investigators and the commission's tentative plans for consolidation should be threshed out effectively in public hearings. Then a watchful eye should be kept on the legislature to see that recommendations of the commission are not rejected or allowed to go by default. It is unfortunate that the commission could not have begun work earlier, so that its report could surely be in form before the 1922 primaries and be made an issue in the choice of members of the next legislature.

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Reducing the Tax Rate Means What?

No. 498

December 8, 1921

Tax rates are sometimes strictly comparable. At other times they are as uncomparable as inches, pounds, and gallons are unlike one another.

The Tax Rate Will Be Reduced

The old saying that "there is nothing sure but death and taxes" is not quite correct, for it is equally sure that in Philadelphia *the city tax rate for next year will be substantially reduced*. Months ago some members of council were so emphatic and particular in their predictions that the tax rate would be reduced by thirty cents or more that the public considered their statements as equivalent to promises. As the tax-fixing time came nearer and nearer more and more councilmen gave the public to understand that a reduction of from thirty to fifty cents in the rate was confidently to be expected. And now, after a number of budget sessions, the consensus of opinion in council seems to be that the rate will be cut by about forty or fifty cents, thus making the city rate about \$1.65 or \$1.75, instead of the present one of \$2.15.

Why the Reduction?

Whatever the reduction may happen to be, many people will assume that it represents the difference between the cost of running the city this year and the cost of running it next year, and as a matter of fact, the constant predictions of the cut in the rate have been explained almost entirely on this ground.

Whether or not the reduction in the rate represents the decrease in the annual cost of running the city is a question that but few persons can answer with any degree of accuracy. In order to answer it correctly one must know just what is meant by the vague term "cost of running the city," and must have dependable figures and information as to the numerous activities and transactions of the city.

Then How About Waste, Efficiency and Service?

But suppose we are able to ascertain the reduction in the annual cost of running the city? And suppose we find that it is exactly equivalent to the decrease in the tax rate? Ought we be satisfied—ought we consider that council has done its full

duty, or that the city officials have done theirs? No! We should not be content by any means.

There are far more important and significant questions than this one concerning the cost of running the city.

Suppose the cost is reduced as a result of curtailing necessary or desirable services and activities of our local government; or by paying faithful employes too little for their services; or by letting the city's plant go to rack and ruin, allowing the streets and bridges to become unsafe or dangerous, and rendering the sewer system and waterworks inimical to public health?

Suppose, on the other hand, the cost is increased because the city takes better, more human care of dependent children, the sick, and the feeble-minded; or pays and treats its necessary employes so as to get loyal, efficient service; or maintains its waterworks, sewer system, streets and bridges in a high state of efficiency; or in any one of a hundred or more other ways better serves the needs of its citizens than before, or than those needs can be supplied through other means?

The Real Test

After all, it is what the taxpayer gets for the taxes he pays that counts. If he gets as much for each dollar of taxes as the city can possibly give him, after employing every proper device to render justice and efficient, intelligent, worth-while service at the lowest possible cost, the question of the tax rate is of secondary importance.

But, if justice is not meted out alike to all, if service is limited and perfunctory, if waste and inefficiency are tolerated, if, in other words, the city government falls down on its job, any tax rate, no matter how much less than the previous one, is too high.

Standards are Lacking

Contrary to popular impression, a tax rate of \$2.15, of \$1.65, or of any other sum, really signifies very little. First of all, the tax-fixing standard is so elastic and indefinite that council could easily

justify continuing the rate at \$2.15, and could as readily account for a reduction to \$1.25. There are so many factors that council may either take into account or disregard, and the public generally is so unaware of them and of their varying effects, that any rate within an extremely wide range could be put across in almost any year—particularly a reduced rate.

The Clamor for Reduced Taxes

The popular demand for a reduction in the city tax rate has been insistent; in the main it has also been uninformed. It has not been based upon any real knowledge of the city's needs or standards. Rather, it has been based upon the fact that the rate has jumped from \$1 in 1916 to \$2.15 in 1921; that most of the 115 per cent increase was attributed to increased costs due to the war; that prices have receded considerably within the last year; and that materials, supplies, construction, etc., are expected to cost relatively less during the coming year.

Other Factors

But what of other factors? Was the city in 1916 operating on a pay-as-you-go basis? Was it borrowing money on bonds for current expenses? Was it providing for capital outlays out of revenues? What will it do in 1922 with regard to these questions? How will 1922 compare with 1916 in the matters of service, justice, activities, efficiency, waste, extravagance, police protection, fire protection? *And what about the effect on the tax rate of greatly increased assessed values of real estate since 1916?*

Similarities

What if the tax rate is reduced forty or fifty cents? May not a rate of \$1.65 for 1922 allow of more waste, extravagance and inefficiency than a rate of \$2.15 did in 1920? Reducing the rate fifty cents when proper standards call for a reduction of seventy cents is not altogether unlike recovering fifty dollars of the seventy dollars that a highwayman took from you. And reducing it fifty cents when it ought to be increased is similar to owning a high priced automobile and failing to keep it clean, or oiled, or in repair.

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DEC 21 1921

A Model Farm

University of Illinois Library,

Urbana,

Illinois.

No. 499

December 15, 1921

Taking a relatively unproductive piece of city property held for a future use and transforming it into a highly productive and service rendering asset is one of the many achievements of our city government that so often go unnoticed.

THE citizens of Philadelphia have a great many things to be proud of in their city government. These things, however, do not always receive the widespread notice that they deserve. As a rule the spot-light of publicity is turned upon the failures, the weaknesses and the imperfections of government rather than upon its successes, its points of strength and its noteworthy achievements. In this number of **CITIZENS' BUSINESS** we purpose turning the spot-light upon one of the numerous achievements of our city government in which citizens may justly take pride.

The City Buys Land for Future Use

In the far southwestern section of Philadelphia there is a tract of land of slightly over 1,000 acres which belongs to the city of Philadelphia. This tract includes the old "Cannonball Farm," so called because of the location thereon of a cannon-scarred farm house dating back to revolutionary days. The city came into possession of this land in 1910 when it was purchased for sewage treatment purposes. However, as time was a necessary element in the development of the city's plans for sewage disposal, the property could not be put immediately to the use for which it was purchased. Both the land and the improvements, therefore, were leased to tenants, thus giving the city a slight return on its investment of over \$738,000.

A Part of the Land Made a Municipal Farm

About a year ago, the Department of Public Works took over the actual operation of part of this extensive property. The section so taken over—about 350 acres with improvements—had yielded the city slightly less than \$800 per year in rentals during the last two years of tenant occupancy. Besides, the improvements had been permitted to fall into a bad state of disrepair. The Director of Pub-

lic Works, however, saw the possibilities in the place and started forthwith to transform the old and dilapidated premises into what he has termed a "model farm." Already this transformation has gone far to justify that designation.

The City Increases Its Return

The city is using the model farm largely for quartering horses used by the Department of Public Works and the Department of Public Safety. Last month 18 police horses and 84 public works horses were kept there. While a considerable part of the farm is devoted to pasturing, about 250 acres were tilled in 1921 and yielded about 2300 bushels of oats, 1500 bushels of corn, and 400 tons of hay. These products are used by the various departments of the city. It is also interesting to know that fresh eggs are furnished from a special flock of hens for use by the department of public health in the city's several hospitals.

The city treasury no longer receives the \$800 yearly rental, to be sure, but the city itself derives from the farm a net return in farm products vastly greater than the rental of previous years.

An Adjunct to Municipal Street Cleaning

Quite enough has been said above to justify the entrance of the city into the business of farming, if, indeed, that should need justification. Increased return in the form of farm products, however, is not half of the net gain. Realizing the mammoth task before his department in cleaning all of the streets and collecting and disposing of all the city's refuse with municipal forces in 1922, the Director of Public Works has been interested in the model farm as one link—and an important one—in the chain of establishments essential to the proper conduct of these new city activities.

The city is to have a force of about two

thousand horses doing a considerable part of the actual city cleansing work. This force must be assembled, and the model farm provides pasture and stables for the purpose. From time to time new animals must be added, and the model farm provides a place where they can be put into proper working condition. At all times a certain number of horses in service will need resting, or actual medical and surgical attention. For this, too, provision has been made at the model farm.

The Horse Hospital

A most interesting and important feature of the model farm is a horse hospital, which holds second place to none of its kind. Although reconstructed from an old building, it has been provided with the most modern facilities. The floor is cement; each of the sixteen stalls is adequately drained; during the day an abundance of natural light pours in through the windows; at night it may be illuminated from end to end by merely throwing an electric switch; and a unique ventilating system keeps the air constantly fresh. In one end of the building is an operating room with operating table, a mask for etherizing horses, and a recovery stall.

So attractive and tidy is the interior of this stable that when the American Humane Association held its 45th annual meeting in Philadelphia in October of this year, the delegates enjoyed the novelty of a buffet luncheon in the stable itself.

The Taxpayer's Gain

Truly the model farm is a most interesting place, and well illustrates what can be accomplished through initiative and determination. It serves as an excellent example of how a municipality can plan and execute undertakings quite out of the ordinary run of city business to the improvement of the service and to the financial gain of the taxpayers.

P. S. C.

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Five Hundred Weeks of
CITIZENS' BUSINESS

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Illinois

No. 500

December 22, 1921

WE wish our readers a Merry Christmas and a Happy New Year.

THIS is the five-hundredth number of CITIZENS' BUSINESS. At first the pamphlet appeared at varying intervals, but for nearly eight years it has issued regularly every Thursday from the offices of the Bureau of Municipal Research of Philadelphia, and carried its civic message to a growing group of local and general readers. It therefore seems a fitting time to make a few brief observations with regard to the little periodical itself.

A By-Product of the Bureau

- CITIZENS' BUSINESS has been merely a by-product of the work of the Bureau. Its preparation and publication from week to week has been quite incidental to the research which is carried on continuously by the various specialists that make up the Bureau's staff. This by-product, however, is prepared with a great deal of care. The individual numbers of CITIZENS' BUSINESS are written by different members of the staff and in each case reflect the findings and conclusions reached by the particular specialist after patient study of the topic that is treated. At the same time precaution is taken to insure accuracy of statement and soundness of policy by having every number carefully edited and then passed upon by designated members of the board of trustees of the Bureau, before publication.

The Busy Citizen's Weekly Message

We have often been asked why we do not make CITIZENS' BUSINESS a more elaborate publication. An obvious answer might be that we haven't the funds to do this, for it is exceedingly difficult to make a civic periodical of primarily local circulation self-supporting. But there is a more important reason for not doing so. We want CITIZENS' BUSINESS to be read. A larger publication

would make more material *available* to the public, but would the busy citizen be so likely to *read* it? For the more serious student of public affairs we have our detailed reports, but for that larger group of men and women who haven't the time to be students, but who nevertheless feel the need of keeping themselves informed on the larger aspects of our civic problems, we issue our condensed weekly statements that anyone can read in five minutes.

Its Editorial Policy

What about the editorial policy of CITIZENS' BUSINESS? After all, no periodical can be wholly without such a policy. Let us begin by stating what its policy is not. It is not partisan or factional. CITIZENS' BUSINESS takes no part in political controversies nor does it concern itself with personalities. It deals with *measures*, not with *men*. Neither does it lend itself as the mouthpiece of any particular brand of political or social propaganda. It is not the champion of any single cause. It is aware of the significance and the value of many of the individual programs of social amelioration that are enthusiastically advocated by various groups in the community, but it does not dedicate itself to any of these programs as such.

Speaking affirmatively, the policy of CITIZENS' BUSINESS is continually to throw the light of facts and of the experience of other communities upon the problems of government in our own community. Beyond this it has no policy. Its mission is primarily educational. It aims to assist in creating an informed citizenship and feels that this task is of sufficient importance and magnitude to be its sole occupation.

The Scope of Topics Treated

CITIZENS' BUSINESS cannot, and has never pretended, to cover currently the entire field of civic questions that concern every Philadelphian. No

weekly publication so small in size can do this. It has, however, given attention to a wide range of important topics on which it could speak authoritatively. During the last four years, for example, thirty-five numbers of CITIZENS' BUSINESS have been devoted to various phases of the city's employment problem; thirty-three numbers to problems of city finance and taxation; eighteen numbers to the subject of street cleaning and the disposal of the city's refuse; fifteen numbers to our public schools; thirteen numbers to forms of government and charter revision; eleven numbers to general aspects of government; ten numbers to constitutional revision in Pennsylvania; eight numbers to various aspects of our city-county problem; six numbers to our gas situation; and from one to five numbers to such subjects as the mandamus evil, water works problems, our election laws, improvement of our food marketing facilities, city planning and zoning, and justice to the poor.

A Look Into the Future

It has been our intention at all times to make CITIZENS' BUSINESS both informing and thought-provoking. To what extent we have succeeded, you, our readers, are better able to judge than we. The quality of CITIZENS' BUSINESS is entirely dependent upon such ability as exists in the professional staff of the Bureau, and the variety of topics that can be treated authoritatively is dependent upon the number of specialists the staff contains. Both, however, are dependent also upon the accumulation of information on the problems of our local government, and this accumulation is going on constantly. With our professional staff larger and more varied than it was in the earlier days of the Bureau's history, and with the greater mass of accumulated information now in our possession, we not only hope in the future to maintain whatever merit CITIZENS' BUSINESS may now have, but we expect to add to this merit and to increase in every way possible the usefulness of the little periodical to the citizens of Philadelphia.

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Pennsylvania's Budget System

*University of Illinois Library
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No. 501

December 29, 1921

The state is in urgent need of a budget system.
It needs a governor's budget—not one prepared by
a board or commission.

A State Budget Coming

Pennsylvania will soon be the proud possessor of a budget system. Never was the need of such a system more universally recognized in this state than now. The recent commission on constitutional amendment and revision realized at the very outset that it could render no greater service to the people of this commonwealth than to formulate and recommend a real budget system. Only a few days ago the governor, in addressing the new commission on state reorganization, laid particular stress on the need of a budget system, and practically directed the commission to give first and foremost consideration to this highly important matter.

A Budget Not Enough

Everybody seems to be in favor of a state budget. "If only the state had a budget," think so many people, "all would be well." The vast majority have very vague ideas as to what is meant by a budget. Too often the sentiments voiced in favor of a budget represent little more than a popular clamor for a panacea to cure the financial ills of the state government; and too often almost anything called a "budget" or a "budget system" seems to satisfy the public demand. There is no magic in a budget. The sooner the people realize this the better. It is not merely a budget which the state needs, but a thorough-going budget system that will accomplish certain desirable results.

Object of a Budget System

The demand for a budget system in Pennsylvania is partly due to the fact that a system of some kind has become fashionable, and that Pennsylvania and Rhode Island are reputed to be the only two states in the Union that are out of style in this regard. But wholly apart from this aspect of the matter, Pennsylvania is sorely

in need of some system or combination of devices that will bring order out of the present chaos.

The state's financial system admittedly needs tightening up in numerous respects. The existing system of appropriations is abominable. The passage of appropriation bills through the legislature is farcical. There is no relationship between revenues and appropriations. No one presents a coordinated plan of state financing to the members of the legislature, and they seem wholly unable to secure such a plan from anyone, or even to secure the information that would enable them to get a bird's-eye view of the state's finances and financial needs. Nor does any state official seem to be in any better position in this regard than is the legislature. The present lack of system multiplies the opportunities for log-rolling and for almost unlimited dodging of responsibility on the part of everybody.

To correct these conditions is the prime object of a budget system.

Governor Should Formulate the Budget

It is obvious that the first essential of a budget system is a budget—that is, a coordinated and complete plan for financing the needs of the state for the ensuing fiscal period. The next question relates to the preparation of the budget, particularly whose budget it should be. Most students of the subject believe that the chief executive should formulate the budget, while some favor a commission or board.

A careful analysis of the problem points clearly to the chief executive as the logical and most effective budget-maker. The governor is decidedly the most conspicuous state official. He represents the entire state. As the chief executive he is in the best possible strategic position for securing the information essential to the preparation of a budget, and for enforcing the restrictions inherent in a thorough-going budget system. He is, moreover, the one man whom the citizens

hold responsible for what the state does. He is the one man to whom the citizens look for initiative in state matters.

A Commission Should Not Formulate the Budget

One of the main objectives of a budget system is to place responsibility for initiative and recommendations with regard to state finances.

The effort to achieve this objective is seriously thwarted if the duty of preparing the budget is placed on a board or commission. Particularly is it seriously thwarted if that board or commission includes in its membership elected officials who are not immediately answerable to the governor. Under such a board, responsibility is so divided as to enable everyone from the governor down to dodge it, both by failing to do what ought to be done, and by "passing the buck" for whatever is done.

However well such a board might act in some years, the results in the course of time are certain to be less fruitful and less satisfactory than those inherent in the preparation of the budget by the governor.

Legislature Needs a Governor's Budget

The budget should represent the governor's views and recommendations. He alone should be held responsible for its preparation and for what it contains. In its formulation he doubtless would seek, and benefit by, the advice and guidance of all those who would be likely to constitute any budget board that might be created. The provision for a special staff or bureau to handle the minutiae of the budget is merely a detail.

The legislature should receive the fullest possible benefit of the governor's strategic position, experience, and knowledge. It can get this best through a budget prepared by him.

To lodge the budget-making power in a board is to rob the legislature of this highly important essential.

CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

ISSUED WEEKLY AT 805 FRANKLIN BANK BUILDING
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Contract Street Cleaning Died December 31, 1921

University of Illinois Library.
Urbana,
Illinois.

. 502

January 5, 1922

With only a few of the old faithfuls to hold its hand as it crossed the bar, contract street cleaning has passed out,—let us hope “now and forever.”

Ring Out the Old, Ring in the New

The ringing of the bells on the stroke of twelve last Saturday night had a peculiar significance to the citizens of Philadelphia. The advent of the new year denoted the fulfillment of one of the most important programs of civic improvement that has been proposed in recent years. December 31 marked the termination of the contracts for the cleaning of the streets and the collection and disposal of refuse. On January 1 the city assumed direct control over these activities and its army of workmen sallied forth armed with new brooms to make a spotless town.

May History Repeat Itself !

We have referred on previous occasions to the fact, related by historians, that a hundred years ago Philadelphia was famous both at home and abroad as the cleanest city in America. At that time the municipal corporation employed its own forces in the cleaning of the streets. Whether or not history does usually repeat itself, it does not seem improbable to us that the city may again acquire the enviable reputation which it held a century ago. The survey of street cleaning activities which was made in 1920 by the mayor's committee of engineers showed that Philadelphia then was cleaning its streets more frequently than many of the other large cities. Now that it is the purpose of the street cleaning forces to do a *good* job of cleaning, rather than to do the least work to the greatest profit to the contractor, we may expect really noteworthy results.

Success After a Long Campaign

From time to time we have informed our readers of the successive battles in the campaign for the installation of city-wide municipal street cleaning. It is hardly necessary to repeat this story. However, the final success of the program should not be passed

over now without a full realization of its importance. City-wide municipal street cleaning marks the greatest victory for the citizen and taxpayer that has been achieved in many years in Philadelphia. The first battle was fought out in the 1919 legislative session when the new charter was written, but in 1921 it was necessary to rally the supporters of municipal street cleaning in the legislature to prevent its opponents from threatening the benefits of the 1919 charter revision. The program has always had rough sailing in Philadelphia itself, and its realization has been the result of untiring and determined effort.

A Dramatic Story

While the events described above are an interesting story, it is not nearly so dramatic as the one which could be written of the manner in which the department of public works has provided the necessary facilities for the use of the large army of street cleaners that has just sallied forth under the municipal banner.

It will be recalled that after much procrastination council last August appropriated a million and a quarter dollars for purchase of street cleaning equipment and for repairs to stable properties to make them suitable to the city's needs. But with characteristic slowness council delayed approving of leases on several occasions, making it necessary later to work day and night to insure completion on time. Fortunately, it was possible to surmount many of the difficulties and to provide facilities which are far superior to those that have been employed by the best of the street cleaning contractors.

Service the Criterion

The Bureau of Municipal Research has always maintained that service, and not cost, should be the criterion for the evaluation of street cleaning activities. On that basis contract street cleaning failed to meet the requirements, and now we have municipal

work which is potentially able to give the kind of service desired. In fact we have had municipal work in the central business district for a whole year and have been satisfied with its results, although much better results can be expected in the future. In spite of all these things there are probably some doubting Thomases who will have to be convinced by results; and from the attitude shown by the department of public works we believe that they will be convinced in a remarkably short time. The director of public works has said that he hopes the people will look upon the street cleaning forces as their own workmen, *and make them work*. Let each citizen consider himself an inspector of the street cleaning forces and report their derelictions; but also let each citizen realize his duty to assist in keeping the streets clean.

Major Improvements in Service

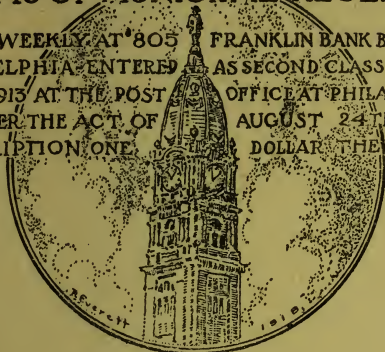
The saving in cost of work under direct municipal operation over that by contract is not nearly so important (although nothing is unimportant that affects the "pocket nerve") as is the opportunity afforded to improve the service rendered to the citizen. Reference has already been made to the fact that the facilities now provided excel those employed by even the best of the contractors, and the facilities of today are not so good as those which the city will employ after it has had time to catch its breath and to make a more complete study of its needs. In fact the city can well afford to keep several men busy continuously in the development of means whereby the service can be made more effective and decreasingly expensive. It is also possible now to go ahead energetically on a program of construction of waste disposal plants, whereby the unsightly and insanitary dumps may be eliminated. Such a program was initiated last August, but it was suspended by order of council a few months later. We are informed, however, that it will be brought forward soon again. This plan merits earnest consideration by council as a project of major civic importance.

JAN 13 1922

CITIZENS' BUSINESS

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Our Neighbor's Clothesline

University of Illinois Library,
Urbana,
Illinois.

p. 503

January 12, 1922

Pennsylvania can save time and money by taking lessons from other states. Here are some suggestions.

THE Pennsylvania legislature appropriated a ridiculously inadequate sum to the Reorganization Commission; and persons concerned in the plans of that Commission have estimated an astonishingly short time for completing its work. Both have been defended on the ground that Pennsylvania, with the experiences of a dozen or more states before her, can save herself both time and cost by taking advantage of those experiences.

That being the case, the attention of citizens of the state, as well as members of the Reorganization Commission, ought not to pass over an authoritative appraisal, recently made public at Pittsburgh, of administrative reform in Ohio. Ohio is the most recent state to reorganize her executive machinery. The Ohio reorganization has been pronounced by able critics to be "a big advance in popular government," and "perhaps the most effective reorganization yet planned in this country." The workmanship set forth in its ample report has been suggested as a model for the Pennsylvania Commission. Whatever can be learned about it from disinterested sources has a claim on our attention.

Too Many State Departments

"The net result," says the commentator "is about as follows: in place of 44 separate departments we now have 22 independent and 11 partially independent departments, the 22 independent departments including eight new ones (formed by consolidation) plus 14 old departments left undisturbed by the reorganization act.

"With respect to the eight new main departments, the consolidations seem clearly useful in the case of four (Commerce, Finance, Agriculture, Public Works). In each of these, the reorganization results in bringing together into a single office a number of agencies performing closely similar administrative functions. This ought to result in some beneficial correlation of work and some appreciable saving both in overhead and in inspectional, clerical and subordinate service.

But We Don't Want Consolidation Just for Its Own Sake

"The changes effected in the establishment of the four other main departments (Education, Industrial Relations, Health, Public Welfare), deserve somewhat more full consideration. The director of the

department of education is made an *ex officio* non-voting member of the boards of trustees of each of the seven state colleges and normal schools. As each of these institutions has for at least part of its work the training of teachers, this change has possible advantages which are obvious. The director is also made *ex officio* member of two other boards whose work has educational bearing. But the nine boards continue, except for the addition of the director, to be made up of members, appointed by the governor, with overlapping terms; so that no very strong consolidation is attempted by these changes. Further, the act places in the department of education the formerly independent office of state geologist. This transfer by statute is likely to make little if any change in the actual administration of the service indicated. The director of education has no fitness for or interest in the work of the geological survey; nor is the work of the survey of such character as to tempt interference by any director. The change is probably harmless—and useless.

The New Units of Government Must Be Able to Work

“With respect to the agencies of labor administration, we had complete consolidation prior to the act, all such offices being under the direction of the industrial commission. The act disrupts this unity. It leaves the old industrial commission in existence, makes no change in its tenure or term, and leaves it with its quasi-judicial and supplementary legislative powers, such as those of deciding upon awards under the workmen’s compensation act and making regulations as to safety and sanitation in industrial establishments. On the other hand, the commission is placed for administrative purposes under the director of industrial relations. Similarly the tax commission is put under the department of finance, the public utility commission under the department of commerce, and the commission for the blind under the department of public welfare.

“Some uncertainty has developed as to the full meaning and intent of these provisions. But at least they mean that the appointment and direction of the subordinate officials who perform the investigative and administrative work for the commissions are taken away from them. It means, for example, that the industrial commission, which is left with its important duties of fixing premium

rates for the state industrial insurance, of investigating and determining standards of health and safety in industrial establishments, must determine these rates and standards upon the basis of investigating, inspecting and compiling done by a staff over which the commission has no control whatever. Yet the commission, not the director of industrial relations, must bear responsibility for the character of these determinations and standards. Similarly the public utility commission retains the power of decision and the responsibility for decision for all the rather difficult questions as to change of rates, issue of securities, and extension or curtailment of services; but the large staff of engineers and accountants, upon whose work such decisions must be based, is withdrawn entirely from the control of the commission and made subordinate to the director of commerce."

Citizens Expect a Good Job in Pennsylvania

The Ohio reorganization contains excellent features for Pennsylvania to adopt; but also there are evils which "easily beset" governmental reorganization. There is no virtue in combining departments simply for the sake of combining them—any more than in leaving them independent because they always have been. There is no virtue in a "budget" system which does not fasten the responsibility for administrative and financial planning and leadership squarely on the governor. There is no virtue in a civil service "merit" system which does not reward merit both in appointment and tenure of office and in promotion, pay, and conditions and standards of work. "Paper reorganizations" are not always "harmless and useless." *Sometimes they are dangerous and costly.* The Commonwealth of Pennsylvania expects results from its "Thrift Commission"; and the times are such that failure to measure up to popular approbation is not likely to be conducive to a political future.

The valuable comments on Ohio's experience are by Dr. F. W. Coker, professor of political science at Ohio State University. The statements quoted are from a paper which he delivered before the American Political Science Association, December 28, 1921, at Pittsburgh. Their use here is made possible by courtesy of the author and of the editor of the *American Political Science Review*. The Bureau of Municipal Research of Philadelphia does not, of course, assume responsibility for Dr. Coker's statements of fact or for his opinions.

CITIZENS' BUSINESS

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Let's Not Let Down the Bars

University of Illinois Library,
 Urbana,
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No. 504

January 19, 1922

The work of the Civil Service Commission in investigating the character and experience of applicants for city employment must not be endangered. Council should give it adequate support.

WHAT in itself is a perfectly proper proviso in the 1922 appropriation ordinance has created for the city a most unfortunate situation.

Council Makes Right Move but Forgets Something

The proviso in question prohibits the assignment of any police officer from the Bureau of Police "to any other department, bureau or elsewhere, except the office of the Mayor," unless he "has suffered injuries or disability while in the discharge of his duty." No doubt the only intention of Council in adopting this proviso was to stop the questionable practice of employing policemen in the various city departments on other than police work.

It so happens, however, that for a number of years one of the most important functions of the Civil Service Commission—that of investigating the character and past record of applicants for city employment—was carried on largely with the aid of patrolmen detailed to the Commission from the Bureau of Police. The recall of these men in accordance with the councilmanic proviso and the failure of Council to allow funds to the Commission for workers to take their places has left this important function seriously crippled.

Civil Service Commission Petitions Council

No time, however, was lost by the Civil Service Commission in calling this situation to the attention of Council. In a communication sent to the President of Council on January 3 the Commission requested an appropriation for three additional investigators to carry on the work that

in former years had been performed by the detailed patrolmen. If this request is granted, the character investigating force will be restored, not entirely to its former size, but to a point where it will be able to meet the most urgent demands upon it. As yet Council has taken no action in this matter, but doubtless will do so soon.

Character Investigation is Important

It is hardly possible to overemphasize the importance of the Commission's work of character and experience investigation. Take, for example, the recruiting of our police force. If no effort were made to inquire into the history of applicants for city jobs, we would soon have on our police force a large number of men who are utterly unfit to act as the guardians of the morals and the safety of the community. Other branches of the service would be exposed to the same danger though perhaps to a lesser degree.

How necessary this sifting process of character and experience investigation is may be appreciated from the fact that in 1921 approximately 11 per cent of all applicants who otherwise qualified as policemen and firemen were removed from the lists of eligibles for appointment because of the disqualifying facts in the past record of these applicants that the Commission's investigating corps brought to light.

Why Some Applicants are Barred From Service

The causes for which eligibles are removed from the lists are various. Some eligibles are removed because they have misstated their ages

in order to come within the age limitations applying to certain positions. Others are removed from the lists because their past experience has not been what they represented it to be in their formal statement to the Commission. Still others are found to have a reputation that would make their appointment to the positions for which they are candidates extremely undesirable. And then there are those eligibles who are removed because they have criminal records and because the law prohibits the employment of persons of this character in the branches of the service for which they are applying.

All of these causes are sufficiently grave to justify the Civil Service Commission in debarring eligibles from appointment, but without an adequately manned bureau of investigation the facts for this weeding-out process would not be uncovered.

The Commission's Request Should Be Granted

There should be no division of opinion as to the desirability of continuing this important phase of the Civil Service Commission's work. The recall of police officers from the performance of non-police duties in the various departments outside the Mayor's office and the Bureau of Police is to be commended, but the Commission must be given other men to take the place of those withdrawn from its work of character and experience investigation. It is to be hoped, therefore, that Council will act without delay in granting the moderate request of the Commission for three new investigators. The efficiency and integrity of our municipal service are, in large measure, dependent upon this action.

Pol Sci

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A Crime Survey for Philadelphia

University of Illinois Library,
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Illinois.

No. 505

January 26, 1922

The door has been opened by the Board of Common Pleas Judges for a thorough study of the administration of criminal justice in this city. Will the opportunity be seized?

AT the request of the Board of Common Pleas Judges a committee of our Law Association was recently appointed to make a survey of the administration of criminal justice in Philadelphia.

The Crime Wave

We need such a survey. Much has been heard of late concerning what is called a "crime wave." We want to know whether there really is a crime wave, and if there is, what has caused it and how it can be checked. We are even more anxious concerning the assertions of those who have studied the subject who tell us that American cities are in the grip of a permanent wave of crime. If there has been a recent increase in the amount of crime, the increase, we are assured, is a relatively unimportant matter when compared with the normal amount of crime, or when the normal amount of crime in the American city is compared with that in foreign municipalities.

Consolidation in Detroit

Philadelphia is not the first American city to arouse itself to the necessity of analyzing the problem and solving it if possible. Until recently Detroit had the usual division of criminal authority between superior and inferior local courts, called in this case the Recorder's Court and the Police Court. In 1920 these courts were consolidated and provision was made for the appointment of one of the judges as an administrative head. Under the direction of the supervis-

ing judge the work of the unified court can be coordinated, cases can be assigned so as to avoid congestion and promote expeditious handling, and judges can be held in line with a consistent policy in dealing with problems as they arise. Swift disposition of cases has so far been the outstanding result. In 1920 thirty-eight per cent of the cases were disposed of within the first week as against two per cent in 1919. It is significant that in the first seven months of 1921 the number of crimes reported in Detroit had dropped to about one-third of what had been reported in the corresponding period of 1920.

The Chicago Crime Commission

In Chicago a "Crime Commission" has for several years been studying the crime problem. The Commission is an unofficial agency whose method is to card catalog every crime, criminal and case, and to use the records in checking up the authorities. The theory is that loose functioning in the machinery of criminal justice can be prevented by an eternally vigilant agency which is ready at all times to turn on the light. When it is known that every detail of every case is being carefully scrutinized, it is not so likely, for example, that the prosecuting attorney will yield to the influences which so often secure for an offender a *nolle pros*, long delays of trial, freedom on straw bail, etc.; and judges must think more than once before allowing the habitual criminal to go at large on probation or parole. Since the organization of the Crime Commission there has been a notable decrease in crime, although apparently much that was hoped for remains to be accomplished.

The Cleveland Survey

Cleveland has just witnessed the completion of the most comprehensive crime survey ever undertaken in this country. Specialists of nation-wide reputation were called to the scene. Under their guidance a staff of investigators gathered and collated the material necessary to picture the situation fairly. The conclusions give credit where credit is due, but discuss frankly all the factors which made the survey necessary, from the detective who lacks the wit to catch the offender to the judge who plays to the newspapers with heavy sentences which are later quietly commuted. What use will be made of the survey's recommendations remains to be seen.

Getting the Facts

Philadelphia has the advantage of these cities in that it can profit by their varied experiences. We can stage a crime survey and follow-up which will yield beneficial results second to none, if we are willing to pay the price. We must, however, be resigned to the possibility that drastic changes in our system will be shown to be necessary. We must above all be willing to realize what is involved in ascertaining the facts about the present situation. In the main the facts are to be found nowhere but in the records of the thousands upon thousands of cases which are going through the courts. Generalizations concerning the courts are not trustworthy unless based upon facts which recur so frequently that they can with assurance be called typical, and no way has yet been found to discover the typical fact without analysis of the complete records of large numbers of cases. In their efforts to appraise their courts none of the three cities above discussed has escaped the labor of searching out multitudinous records and tabulating, digesting and interpreting the facts discovered.

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The Cleveland Crime Survey

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No. 506

February 2, 1922

The recent inquiry into Cleveland's crime situation has brought to light things which no American city can afford to ignore.

THE Cleveland survey of criminal justice has a two-fold interest for Philadelphia. This city, on the threshold of a survey of its own, will, in the first place, desire to examine carefully the methods employed in Cleveland. In the second place, the widespread dissatisfaction with the administration of criminal justice in this country indicates the existence of defects which are fundamental and not peculiar to any locality, and we may reasonably expect to find that many of Cleveland's troubles and the causes thereof are identical with our own.

A Comprehensive Inquiry

The results of the Cleveland survey are published in six parts. In addition to a summary of the whole, there are sections devoted to the criminal courts, the prosecution, police administration, correctional and penal treatment, and medical science and criminal justice. Space forbids any further description of the scope of the survey than the statement that each of the sections is in itself a very comprehensive piece of work.

Leaks in the System

Perhaps the outstanding feature of the survey is the story told by the statistical tables showing the "mortality" of criminal cases at different stages. It is made apparent that the system is constantly being "worked for weak spots;" that a guilty criminal, with the aid of a sophisticated lawyer, has many ways of escaping conviction; and that without due consideration of the interests of the community many who have been convicted are released by "bench paroles," suspended sentences, etc. Among the most flagrant abuses are the "continuances" of hearings and trials, which so wear out the state's witnesses that in the end they disappear or refuse to testify, whereupon the case must be dropped.

Important Recommendations

One of the principal recommendations of the survey is that the criminal courts of Cleveland be consolidated so that speed and consistency of policy may be secured by the operation of the entire machinery as a unit. Then, too, a number of needless steps are found in the criminal procedure. Many of these are avenues of escape for the criminal, but cannot by any chance aid the prosecution. The ancient and revered grand jury falls under this ban—an institution which can set the accused free, but can do nothing for the state save hold for trial an accused person already held by other authorities.

The Criminal Lawyer

Defendants in Cleveland apparently have not been choosing counsel solely for their erudition. The cold figures show that in forestalling the discomfiture of their clients certain attorneys have been much more successful than others, and that the greatest success has been enjoyed by those known to be involved in politics. At the same time, it almost goes without saying, lawyers of finer sensibilities are shunning practice in the criminal courts.

The Bench

The conclusion was reached that in Cleveland neither the bar, the press, nor the judges themselves, have great respect for the judicial office. Since 1912 the judges have been nominated by direct primary and petition. This system is shown to have brought to the bench younger and less experienced judges than were formerly secured by nominating conventions, but, far worse than that, has led candidates for the office to resort to all sorts of undignified expedients to secure election and re-election. While the present situation is recognized as unsatisfactory, enlightened sentiment in Cleveland will not countenance a return to the nomination of judges

by boss-controlled political conventions, and the survey suggests as an alternative the system which usually proves the best, an appointive judiciary.

The Jury

The jury is carefully considered. In Cleveland, as elsewhere, being caught for jury service is regarded by respectable people as something akin to being swindled. Many citizens take advantage of a statute under which it is possible to buy immunity from jury service by contributions to a military organization. This absurd exemption is a survival and outgrowth of an immunity accorded to those who in frontier days actually served in military organizations. Of course, there are other grounds of exemption more familiar to us. An element of humor is injected into the survey by the inclusion of certain health statistics. It appears on the basis of the excuses from jury service requested on account of illness that the high class residential districts of Cleveland are not nearly so healthful as the less desirable sections. Needless to say, the type of jury which Cleveland secures is considered a serious factor in the crime situation.

Institutions, not Men, at Fault

Even from such a cursory and haphazard review as the above one fact stands out clearly: that most of Cleveland's difficulties are not due to the evil machinations of human beings. The defects are mainly in machinery and institutions which were good enough in their time, but need overhauling because they are no longer adapted to modern conditions. Institutions and methods which were adequate for rural England and pioneer America inevitably break down in the large American cities of today. Ohio's law exempting from jury duty those who contribute to military organizations is a striking illustration.

Pol Sci *Wm. R.*

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Zoning Is Not Dead!

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FEB 10 1922

No. 507

February 9, 1922

After the smoke of the battle has cleared away, it is found that zoning is not nearly so badly off as was at first supposed, and that it will probably make a quick recovery under more favorable circumstances.

POSSIBLY the average citizen has inferred from early reports of the action by Council in regard to the proposed zoning ordinance, that zoning has been cast into the discard. However, it is much safer to pass judgment on this matter now that the smoke of the battle has entirely cleared away. Perhaps a short résumé of the entire zoning situation will be of interest and value to our readers and a fuller understanding of the situation will dispel the pessimism created by the early reports on Council's action.

How the Ordinance was Prepared

The new charter authorizes the city to regulate the location, size, and use of buildings in order to promote the public health, safety, order, and general welfare. For the purpose of preparing such regulations to be submitted to Council for approval, the Mayor on May 26, 1920, appointed a zoning commission composed of eighteen members, of whom eight were city officials and eight others were representatives of independent organizations including real estate, building, and business interests, and the engineering and architectural societies. After a detailed survey of existing conditions and informal conferences with interested persons and organizations, the commission prepared a zoning ordinance, and formally approved it. The ordinance was then forwarded to the Mayor and at his instance it was introduced into Council on October 20, 1921.

Hearings by the Councilmanic Committee

The proposed ordinance was referred to the Committee on City Planning and Zoning which held three public hearings beginning on January 18, 1922. At the first hearing several members of the Zoning Commission briefly discussed the advantages of zoning, and at both the first and the second meetings an authority on zoning from New York City was present through the courtesy of the commission. At this second meeting several persons were heard who opposed the adoption of the suggested height regulations for buildings in the central business

district, and the third hearing was confined almost entirely to the same subject.

Altogether the hearings were concerned chiefly with the regulation of the central business district and particularly with regard to the height of buildings therein, without any attention being paid to the many square miles of territory outside this central district.

Action by the Councilmanic Committee

In the third session, on February 1, a motion was passed by a large majority to eliminate the area of the old city—from Vine street to South street and between the two rivers—from the provisions of the ordinance. This action followed the defeat of a substitute motion to refer the ordinance to the Zoning Commission for re-consideration. A second motion was then passed to refer the remainder of the ordinance to the Zoning Commission with instructions to hold public hearings, to revise the ordinance if necessary and to report back to the committee.

The action by the committee in rather arbitrarily excluding the very heart of the city from the provisions of the proposed ordinance is a source of regret to the supporters of zoning and has doubtless created the feeling that zoning is killed for the present. Most certainly the situation is an unfortunate one. There appears to be no reason to believe that if all the property owners in the area covered by the old city had been brought together, they could not have agreed upon regulations for this section which would have been acceptable from the standpoint of the public interest.

Past Experience Not Drawn Upon

We are in accord with the action taken by Council in referring the proposed ordinance back to the Zoning Commission for further study. We hope that this step indicates sympathy on the part of the committee for the principles of zoning and holds out assurance of its support of the ordinance when it again comes up for passage.

It is well to remember that a zoning ordinance was prepared once before in Philadelphia without the aid of public hearings by a zoning commission similar to the present one and submitted to the old Councils for consideration just before they went out of office. We expressed the opinion in CITIZENS' BUSINESS No. 397, of January 1, 1920, that the ordinance failed because the public as a whole was uninformed as to the importance of such legislation. We suggested that the public should be informed of the benefits of zoning through an educational campaign, and that a new ordinance, if proposed, should be reviewed in public hearings before Council was called upon to take action upon it.

Commission Now Has Clear Track

The present zoning ordinance like the first one was forwarded to Council without the preliminary steps noted above, although the Zoning Commission endeavored to make the point clear that it was not a finished ordinance but only a good basis for discussion. However, in view of the many important problems pressing for consideration, it would appear advisable to conserve the time and energy of councilmen by permitting the Zoning Commission to thrash out the technical details. Under the authority of the councilmanic committee, the Zoning Commission now has a clear track to develop an acceptable zoning ordinance and to sound out public opinion.

Council's Support is Needed

The development of an acceptable zoning ordinance is going to require the sacrifice of much time and energy on the part of the members of the Zoning Commission, and we believe that they are conscious of the public trust imposed in them and anxious to perform their work well. Council also has a duty to perform in supplying the commission with the means whereby it can adequately carry out such a program, and we urge the early provision of the necessary funds for this purpose.

~~Pol Sci~~
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Illinois.

No. 508

February 16, 1922

Let's work together to make the sesqui-centennial
exhibition a brilliant success and a credit to the city.
But let's not close our eyes to dangers and difficulties
incident to its financing.

LAST May a group of prominent citizens secured a charter for The Sesqui-Centennial Exhibition Association, which they organized for the purpose of holding in Philadelphia in 1926 an exhibition in commemoration of the one hundred and fiftieth anniversary of the signing of the Declaration of Independence. As this exhibition is expected to be financed in large part by the city, the state, and the federal government, and as Congress could not be counted upon to furnish funds for it until the city government showed in some tangible manner that it wanted the exhibition and meant to do its part in making it a success, this association decided to ask council to appropriate \$5,000,000 toward the exhibition.

Council's Resolution

Council wanted to meet the request for \$5,000,000, but found itself in difficulties. It had no such sum available for appropriation. Doubtless it could have shuffled matters around a little and could have appropriated \$2,000,000 or more. But it wanted to show a generous hand, and preferred that an actual appropriation of even \$2,000,000 should not conflict with, or discount, a "pledge" of \$5,000,000 or more. Council desired to impress the people, and especially Congress, with its munificence; therefore it passed a resolution pledging the faith and honor of the city to appropriate toward the sesqui-centennial exhibition \$5,000,000 "and so much more as may be required."

False Impressions

Whatever may have been intended by the resolution, the impression has been allowed to be spread far and wide that the city has actually appropriated \$5,000,000 toward the exhibition. As a matter of fact, one of the city's large banks has conspicuously advertised this in the newspapers as being a fact.

But apart from this question as to whether or not the city has appropriated \$5,000,000, or any other

sum, for the exhibition, there is a widespread view that the city is bound to supply \$5,000,000 toward its cost—"and so much more as may be required."

What the Resolution Means

A careful reading of the resolution will disclose the fact that no appropriation of \$5,000,000, or of any other sum, is made by it. At the time of its passage no money was available for original appropriation, and none was made available by transfer from previous appropriations. Appropriations can be made only according to law, either out of revenues estimated or certified by the City Controller, or out of loans properly authorized by ordinance.

As for the pledging of the faith and honor of the city to appropriate \$5,000,000 "and so much more as may be required," it is pertinent to note that this is in no wise binding on the city. It is but an expression of good intentions. The city charter emphatically provides that "no liability shall be enforceable against the City, by any action at law, in equity, or otherwise, upon any contract not supported by a previous appropriation of Council." At the most, only a moral obligation is created by this resolution.

Danger Ahead

Council has acted unwisely in passing such an ambiguous or equivocal resolution. One very serious danger is that when Congress considers making an appropriation toward the exhibition great weight will be attached to the fact that Council has passed a resolution that creates the impression that the city is financing the exhibition in a most magnanimous manner, whereas it is not really committed to contribute a single dollar toward the exhibition. Many members of Congress will doubtless feel that Council has tried to "put something over" on them, and so will be inclined to assist the exhibition as little as possible. It would have been far better for

Council to have appropriated some money to the exhibition, or even merely to have gone on record in an unequivocal manner to the effect that the city wants the exhibition and will back it financially to the extent that circumstances will permit, than to have passed the dubious resolution in question.

Another Danger

Another danger lurks in the "pledge" of an unlimited amount of money for the exhibition. While it is true that the city will not be legally liable under this pledge, there is such a thing as a moral obligation—especially one which the city feels it must meet if its credit and reputation are not to be seriously impaired.

Who knows the ultimate amount the city will need to supply for the exhibition, in order to furnish what it itself considers necessary, or in order to satisfy the expectations of Congress, or the state government, or any of the many others who rely on the wide-open "pledge" contained in Council's resolution?

And who knows how and when that money will be supplied, if, indeed, the full amount could be furnished within the necessary period of time?

What right has the present Council to place the next Council in the position of possibly having to raise indefinite millions of dollars, or of defaulting in a moral commitment on the part of the city?

Make Correction Now

We all want the sesqui-centennial to be held in Philadelphia and the work to be expedited as speedily as is consistent with its scope, magnitude, and grandeur. And all of us want the exhibition to be an outstanding success. Therefore, let Council make amends for the harm already done, and let it go on record in a courageous, confidence-producing, and sound manner, in support of the sesqui-centennial exhibition. And let all Philadelphians do their full duty in furthering what can be made the most wonderful and successful exhibition the world has yet seen.

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CITIZENS' BUSINESS

FEB 27 1922

BUREAU OF MUNICIPAL RESEARCH

ISSUED WEEKLY AT 805 FRANKLIN BANK BUILDING
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Codification of Philadelphia Ordinances

University of Illinois Library,
Urbana,
Illinois.

No. 509

February 23, 1922

The weeds of more than two centuries are growing in our patch of city ordinances.

A Slough of Despond

The task of ascertaining just what it is that councils of the city of Philadelphia have ordained on a given point has resulted in total loss of the patience of many a genial and mild tempered soul. Our ordinances cover possibly 35,000 printed pages. They reek with inconsistencies and ambiguities; with obsolete provisions, or worse, with provisions whose present day applicability is doubtful. Ordinances of general application are interspersed among thousands of purely local, special and ephemeral interest. In short, the ordinances are in exactly the state into which any body of legislation inevitably falls if not subjected occasionally to general and comprehensive revision. There has never been such a revision in Philadelphia.

Digests Are Unofficial

Digests have from time to time mitigated the confusion, but their defect is that the compiler has no authority to revise. He cannot print the ordinances as they should be; he must take them as they are. The greater the disorder, the more essential it is to bring to the attention of the reader everything that contributes to it, and everything that interprets and explains it. And presently, without having touched the seat of the trouble, the need for official revision, the digest has expanded to such volume that, considering the strictly local interest of the work, publication as a private venture becomes a hazardous undertaking. Incidentally, the last digest of Philadelphia ordinances appeared about twelve years ago.

Sanction of Council and Mayor Necessary

There are no doubt many who could revise the ordinances so far as mere drafting is concerned, but the necessary official sanction can come only from council and the mayor in whom is vested the city's legislative power. In exercising this power council and the mayor might follow either of two

general lines of procedure. They might give separate consideration to every ordinance which has ever been passed and has not been specifically repealed. Each ordinance would be either repealed, or revamped so as to be better adapted to present day needs, or retained in its existing form. While this would clarify the situation enormously it is not, as we conceive it, so desirable, and probably not so easy, as a codification along the lines about to be suggested.

Codification

The codification we would propose would deal only with ordinances of general application, those which now prescribe rules of conduct for the average man or for large numbers of our citizens. Not much can be done, or need be done for that matter, with ordinances of local, special, and temporary interest. The subjects covered by general ordinances having been ascertained, a fresh start should be made by the passage of new ordinances, or perhaps a single new ordinance, embodying for each subject everything that council desires to ordain on that subject. In drafting the code consideration would be given to experience with prior ordinances, interpretations of courts, opinions of city solicitors, modifications effected by state legislation or otherwise.

Cleaning the Slate

The next step is to repeal, if possible, all general ordinances except the code. The code, a modernized, coordinated piece of legislation then stands alone; the slate is clean. And it can be kept fairly clean. Thenceforth every general ordinance should be fitted into its place in the code. Either it becomes a new section of the code, or it displaces or alters something already in the code. The practice of repealing "all ordinances or parts of ordinances inconsistent herewith" should be discontinued, and the particular part of the code, if any, which is incon-

sistent should by specific repeal be taken out of the code.

Even Codes Need Constant Care

It is not pretended that every detail of this procedure is free from legal or practical difficulty. Such difficulties have a way of turning up where least expected, but surely their weight is not sufficient to make impossible any essential feature of the plan. Nor is it pretended that a code once enacted will take care of itself. Diligence must be exercised to keep the code in conformity with new legislation, court decisions, and other modifying factors. Probably every few years it would be necessary to reprint the entire code, incorporating the accumulated amendments. There should also be periodic revision to eliminate sections rendered obsolete by changed times. Such a revision might some day catch the ordinances which now penalize smoking "segars" and pipes in the parks and squares, and throwing hoop skirts on the public highways.

Who Will Do It?

Codification of our ordinances is another of those things about which "something ought to be done," although if it is not done we cannot think of anything terrible that is likely to happen. Some day a local statesman will be inspired by the vision of a code which will be a popular handbook for lawyer, layman and official, setting forth in a few hundred pages the official text of all the city's general ordinance law. If our statesman acts upon the inspiration, his fame may prove to be more than local or fleeting, for let no one think that codification is honorless labor. Codified laws are probably the most enduring achievement of the great Napoleon. Justinian's name stands forth among Roman emperors. His fame rests upon codification of Roman law.

Here are glory and honor almost for the asking.

Fol Sec
Mun. Res.
CITIZENS' BUSINESS

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A City Hall Commotion—and Why

University of Illinois Library,
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Illinois.

No. 510

March 2, 1922

The absurdity of subjecting certain city employes to promotion examinations merely because their salaries have been increased is not so much the fault of the administrative officials directly concerned as it is due to a fundamental weakness in the city's employment system. This weakness should be corrected.

THE civil service incident which was the occasion of so much commotion in City Hall a little over a week ago has a significance that may have escaped the casual observer. It was, in fact, only a surface manifestation of a fundamental weakness in the employment system in vogue under our city government.

A Strange Development

Briefly, this is what happened. In connection with the 1922 budget and by supplementary ordinances passed since January 1 of this year, Council increased the salaries of a small number of employes in several of the city and county departments. In this number were included the deputy chief of the Bureau of Water, the surgeon of the Bureau of Police, and the curator of Independence Hall. On February 11 the Civil Service Commission issued a schedule of examinations on which were listed promotion examinations for each one of these three positions. None of these positions, however, was vacant, nor had the Civil Service Commission received any notice that they would become vacant in the near future. Nothing, in fact, had happened in regard to them except the increase in salaries.

Councilmen Want to Know—And Are Told

At this point Council re-entered the scene and several members of that body demanded an explanation from the Civil Service Commission. This was given by reference to the law and the rules under which the commission is working. It was pointed out that "the provisions of the city charter and rules stipulate that wherever an advance in salary exceeds 30 per cent of the salary for which examination was taken, the commission must hold a promotion examination." The commission also signified its willingness "to exempt these positions so long and only so long as occupied by the present incumbents." Some of these incumbents, however, had given the commission to understand that "they did not desire

exemptions for the reason that they desired to retain their civil service status."

The Law on the Subject and the Rule

This situation was still further complicated by an opinion from the City Solicitor who held that "the mere increase of a salary of the incumbent of a position is ordinarily not a promotion within the meaning of the Act of Assembly." In this view the City Solicitor would appear to have the support of common sense. It is not so certain, however, that the present rules of the commission were drawn with this view in mind. In effect, they provide for a grading of positions *according to rates of compensation rather than according to duties*. The pay attaching to a position, therefore, determines its grade, and a mere increase in pay may change its grade even though there has been no change in duties. Advancement from a lower to a higher grade, thus determined, is called a promotion and is made subject to a promotion examination.

It should be added here that, under the ruling of the City Solicitor, the Civil Service Commission has cancelled the particular promotion examinations to which reference has been made.

Why Is Such A Rule?

Of course, it is absurd to insist that so long as an employe continues to hold the same position and to perform the same duties he should be subjected to a promotion examination merely because his salary has been increased. Yet under the present rule that is exactly what is likely to happen. Why then was such a rule ever adopted? The answer is simple. There can be no scheme of promotion in an extensive service unless positions are graded for promotion purposes. The city charter contemplates a grading of positions according to duties and the establishment of standard minimum and maximum rates of pay for each of the various grades. Such a grading of positions would make possible an equitable scheme of

promotion. As yet, however, the purpose of the charter in this respect has not been carried out and, in the meantime, a grading of positions according to the rates of compensation has been followed as the only feasible alternative. In other words, we have the present promotion rule only as a temporary expedient, and because it is better than no rule at all, if promotions are to be centrally controlled.

How An Old Weakness May Be Cured

Be it understood that the present grading of positions in our city service is not a new absurdity. Philadelphia, in common with many other cities, has never had any better arrangement. It is high time, however, that this particular weakness in our city's employment system be corrected. No doubt the Civil Service Commission can so revise its rules that the absurdities and the inequities resulting from the present grading scheme may be somewhat mitigated; but it cannot remove them entirely, or even to any considerable extent, unless it changes the grading scheme itself. What is needed is action under the provision of the city charter which makes it mandatory upon the Civil Service Commission to classify and grade all positions in the city's service according to duties.

Retrospect and Prospect

About two years ago an effort was made in this direction. The Civil Service Commission prepared a valuable report embodying a new classification of positions and recommending to the Mayor and Council standard minimum, maximum and intermediate rates of pay for each distinct grade. Neither the Mayor nor Council, however, took kindly to the report, with the result that nothing tangible was accomplished. A new effort should be made without further delay. For, until it is made, and until a classification and grading of positions similar to the one prepared in 1920 by the Civil Service Commission is put into effect, we may expect again and again to be regaled by councilmen and others with stories—often justified—about absurdities and inequities of the city's methods of promotion.

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A Pig in a Poke?

University of Illinois Library,
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No. 511

March 9, 1922

Before the city commits itself to purchase the private water companies in the northeast section, there should be full publicity on all essential matters.

CITIZENS' BUSINESS No. 399, January 15, 1920, raised a number of questions regarding a proposal then before Council for the city to acquire the facilities of the Holmesburg, Disston, and Philadelphia and Bristol Water Companies for a consideration of \$850,000. The proposal has remained dormant for the intervening period of over two years and has now suddenly come into public notice again. The matter is one of great importance, but since the authorities have let it rest for some 26 months, there seems to be no very urgent need for precipitate action. Accordingly, it is highly proper for citizens and taxpayers to ask for further light before the city is committed to a transaction involving so large an expenditure.

Water Service a Municipal Function

At the outset it should be stated that the supplying of water has come so generally to be regarded as a municipal function that most citizens will agree at once that private water facilities should be replaced with city service in those few remaining sections of Philadelphia where the former still are found. Regardless of divergent opinions on public ownership of utilities, there are health and other factors involved in the water supply that give support to this view. Moreover, the rapid growth of the northeast section, destined to be greatly accelerated by the early completion of transit facilities, calls for the unification of the water system and for an assurance of adequacy of supply and degree of purity that can be provided only by the municipality.

Why not \$1,500,000? Why not \$500,000?

The Bureau's pamphlet of January, 1920, cited the fact that the three arbitrators appointed under authority of an ordinance of Councils of March 17, 1919, brought in a report (on December 3, 1919)

consisting of a single sentence, which stated that the price to be paid by the city was fixed at \$850,000. The city's elected representatives in Councils were given no summary of the lengthy negotiations, no picture of the elements that entered into this substantial price, nor any grounds upon which Councils could exercise judgment as to the reasonableness of this recommendation.

The Public Should Be Given the Facts

In the brief interval that has elapsed since the measure has come up anew, no detailed examination of the case has been possible, but the newspapers report that the Mayor transmitted to Council a number of documents supporting the recommendation that the city purchase the facilities of these companies for the sum named. Of course, these papers may contain facts that would amply justify such action by Council. If so, they should be made public at once so that this step toward extending municipal water service may proceed without further unnecessary delay, and without any shadow of doubt on the complete propriety of the transaction.

It should be understood that the city is not bound to accept the price set by the arbitrators in 1919. While the franchises granted these private companies by the ordinance of July 2, 1888 did contain a proviso that the purchase price should be fixed by arbitrators selected as were the 1919 arbitrators, the ordinance of March 23, 1900 repealed this provision.

Some Vital Questions

Limitations of space make it impossible to do more at present than to suggest a few questions:

1. What will the city receive for the \$850,000?
What part of this amount represents the value of physical plant and what part is simply for the withdrawal of the private companies from the field?
2. If a private corporation were purchasing these facilities, what price would it be willing to pay?

3. In arriving at the proposed price of \$850,000 what weight was given to section 34 of the act of April 29, 1874, P. L. 73, which has been referred to as guaranteeing the private companies, when bought out by the city, a compensation greater than the actual physical value of the property?
4. How urgent is it for the city to acquire these properties at this time? Are the circumstances such that a more favorable price could be obtained at a later date?
5. Assuming that \$850,000 was a fair purchase price in 1919, have the plants been allowed to deteriorate since that time?
6. Have not the changes in price levels since 1919 affected the value of the plants?
7. In view of questions 5 and 6, should not the purchase be held up until a new appraisal is made?
8. Should not the proposed purchase be analyzed according to the respective interests of the several companies involved, and in the light of the different circumstances surrounding each?
9. Ought the city make this purchase on the instalment plan, as has been proposed, paying 6 per cent on unpaid balances, when it can borrow money at $4\frac{1}{4}$ per cent? While this is, of course, a relatively minor matter, yet paying this excess of $1\frac{3}{4}$ per cent will mean a *needless loss of over \$30,000 in interest alone.*

Up to the City Authorities

Before the city acquires these plants, the approval of the Public Service Commission must be secured. In a case of this sort, however, the Public Service Commission probably would be interested primarily in determining whether proper standards of service would be maintained by the city in the districts affected by the change rather than in the reasonableness of the price to be paid, especially if this price had the sanction of Council. It is hoped, therefore, that before the sanction of Council is given all the pertinent facts will receive full consideration and publicity.

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For Better or Worse?

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No. 512

March 16, 1922

Despite the difficulties of making a comparison between the workings of the present council and the old two-chamber council, the testimony of those most familiar with both bodies seems to agree unanimously that the present form is a demonstrated improvement.

CITIZENS are constantly asking what specific advantages have been demonstrated by the present one-chamber council of 21 members over the previous two-chamber body of 145 members.

The recurrence and variations of this question give evidence that there is confusion and doubt in the minds of many persons. This uncertainty arises largely from the same cause that makes it difficult to grasp many other public questions; namely, the complexity and scope of modern municipal functions.

Difficulties of Comparison

In the present instance the average citizen encounters the added difficulty of remembering for purposes of exact comparison to what extent the city's legislative condition four or eight years ago differed from or resembled the condition today. There is in the average mind merely an impression, more or less definite, (1) that conditions used to be in many ways unsatisfactory, (2) that they are now far from satisfactory, and (3) that consequently it is questionable whether any real improvement has taken place.

Of several approaches to the question, the most obvious—that of Council's comparative record in handling large, outstanding measures—is in many ways the least accurate. The big issues of different administrations are hard to compare. Even when these issues relate to the same subjects, the changes in public psychology and readjustments in political relations exert a vast influence and make untrustworthy any comparison in the functioning of one governmental branch.

A Practical Test

Far more satisfactory as a criterion is the comparative record of Council in matters of routine legislation. The comparison then is between things more nearly similar; and if care is taken to select periods when relations between Council and the city executive were approximately analogous—as, for example, dur-

ing the period from 1912 to 1915 and at the present—the comparison has significance.

Making the comparison on this basis, it is interesting to find a decided consensus of opinion among representative officials familiar with the two periods that important, though routine, legislation is considered and disposed of by a small, one-chamber council decidedly more expeditiously than was the case with the large two-chamber council. Separating, so far as possible, the political aspects of the situation, and appraising the councilmanic body as a piece of governmental machinery, the experience of the last two years has shown that it is far easier to obtain an understanding and meeting of minds among 21 councilmen acting as one unit than among 145 councilmen acting as two units.

What Experience Proves

The smaller number of members, and the fact that action need be taken by only one body instead of two, are fundamental reasons why our more modern legislative machinery functions better. There are other important reasons. Meetings are held more frequently because the convenience of fewer people needs to be consulted. Special meetings can be called quickly for the same reason. Attendance records are much better (practically perfect) because it is feasible to pay salaries to the members of the smaller body, and to expect service in return. Committees meet oftener; consequently committee work is kept pretty well cleared up. Committees also meet in open session, so that every citizen has the opportunity to know what is going on. This opportunity is not altogether neglected; many people attend meetings where matters in which they are interested come up for consideration, and the Bureau of Municipal Research, for instance, endeavors to have representatives present at most sessions. In the meetings of the Council itself, members generally feel a greater degree of personal responsibility than under the old order; responsibility is more readily fixed; and debate as a rule is of a higher order—though perhaps

there still remains a little to be desired in this regard.

These are not theoretical advantages, but are cited as the observations of public officials and others who have been in close contact with councilmanic procedure under both the old and new city charters.

"That is Another Story"

Often, when the fireside tale is told, some alert listener innocently suggests a question which projects the thought far beyond the purpose of the tale. So in this case someone is sure to ask, "But if all that is true, why do we have the sense of rage against so much that Council does or leaves undone?"

Ah, gentle reader, that is a long story. In the matter of extending public improvements—street-paving, water mains, sewers, etc.—there is still too great a tendency to respect the demands of provincial interests, and to assign quotas to wards, rather than regard the interests of the city as a whole. Sometimes, too, it has been charged that councilmen have been influenced in public measures by personal or political reasons. Again, it might be embarrassing for Council to have to justify its inaction in such matters as the transit problem, the gas commission report, and the water commission report.

Possibly, when ward lines have been utterly abolished, when councilmen-at-large are elected, and when dissatisfied citizens assert their power to elect someone else, there may be a different story to tell.

Citizens Have Right to Inspect All Public Records

The right of citizens and citizens' agencies to inspect municipal business, not only after it is completed, but while it is in the formative stage, was recently established in California. The San Francisco Bureau of Governmental Research sought access to plans and records in connection with a municipal water project, but was denied any information except such as was included in published official records. The Supreme Court of the state, at the suit of the Bureau, ruled that all data and working papers prepared by city employes under the direction of city officials, the cost of which was paid by the city, were public records and must be made available for the Bureau's inspection.

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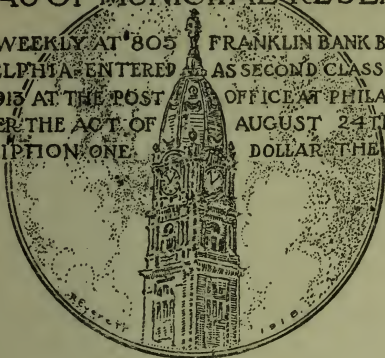
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Appraising the Grand Jury

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March 23, 1922

To what extent is the grand jury a superfluous
part in the machinery of American criminal justice?

Criminal Procedure, Past and Present

The history of English and American criminal law is strewn with wrecks of institutions, procedures, and methods which once were regarded as eminently reasonable, but which later generations have abandoned as absurd or barbarous. That we have left these things behind we like to ascribe to our advancing civilization, but this thought is not without its disquieting implications. For few of us believe our civilization has reached the end of its progress, and many feel that the law develops with undue conservatism. These find themselves wondering, therefore, whether we may not now be harboring methods of dealing with the crime problem which the future will brand as cruel or ridiculous.

Because of the recent perturbation over what is called "the crime wave," the machinery of criminal justice is now being inspected with especial care. Critics tell us that the machine has many worn-out, weak, and even superfluous parts. One part whose value is being seriously questioned is the grand jury.

The Grand Jury Under Fire

It should be understood that no serious proposal is made to abolish entirely the criminal jurisdiction of the grand jury. There are some occasions when the grand jury is regarded as indispensable. It is asserted, however, that such instances are comparatively rare, and that in the vast majority of cases the grand jury can perform no useful function. This majority consists of the cases which come to the grand jury from a committing official, (in Pennsylvania a justice of the peace, magistrate or coroner), who is charged with the duty of determining whether a *prima facie* case has been established against the accused, and has held the defendant for court. The duty of the grand jury in such a case is to hear the witnesses for the prosecution, but not for the defense, and to determine whether the evidence warrants holding the defendant for trial. If the evidence is sufficient, the defendant is held;

if not, the charge is ignored and the prosecution dropped.

Duplication of Duties

The principal criticism of this function of the grand jury is that it duplicates the function of the committing magistrate. Both have made the same inquiry: Is the evidence such that the prosecution should be dropped without further investigation? Why, we are asked, should there be two such inquiries? If one is sufficient, another question arises: Which one should be abandoned? As a general proposition, assuming, as it seems fair to assume, that both inquiries can be made with equal thoroughness, that of the grand jury seems to fall under the ban, if for no other reason, because the grand jury is large, cumbersome, expensive, and difficult to keep in readiness at the times and places at which preliminary examinations of accused persons must be made.

Waste, Delay, and Inconvenience

If the function of the grand jury in question is not essential, the effect of retaining it is to waste vast sums of public money, and to interpose a needless step between the defendant and his trial. The latter spells delay, and is an especially serious matter if the grand jury meets only once in several months and then only for a short time, instead of being in practically continuous session as is the case with the criminal courts of Philadelphia county. The innocent defendant is compelled to wait longer than necessary for vindication, but the guilty criminal welcomes the delay. The witnesses against him may die or disappear. Burdened with the necessity of testifying before the committing magistrate, at the trial, and in addition before the grand jury, they may almost be forgiven for disappearing. The criminal knows further that, although the grand jury cannot strengthen the case against him, it may set him free.

Grand Jury Not a Permanent Fixture

The grand jury is not nearly so firmly rooted an institution as might be supposed. A number of state constitutions do not even mention it. Others permit legislatures to change, alter, or abolish the grand jury. The constitution of Pennsylvania provides in effect that with certain exceptions presentment of an indictment by the grand jury is necessary in case of indictable offenses, but apparently it is left to the legislature to decide what offenses are indictable. The federal constitution contains no guarantee of grand jury proceedings in state prosecutions. Finally, there are jurisdictions in this country in which years pass without the meeting of a grand jury, though in case of need it may be summoned at any time. It is said that in the state of Michigan not more than six grand juries are called in a year.

A Questionable Past

Attempts to alter the duties of the grand jury will of course be attacked by some as an unwarranted interference with ancient and inalienable rights of mankind. It behooves those who take this position not to trace their rights too far into antiquity. Time was, historians tell us, when those gatherings of freeholders which were later called juries considered that deciding the fact of guilt or innocence was not for mortal minds. They, too, determined whether the accused should be tried, but to be tried was to be condemned, for the trial was by ordeal. A man might be required to walk three paces with a piece of red hot iron in his hand. Woe betide him if at the end of three days he had a blister "as large as half a walnut," for then he was guilty. If the iron left no mark, he was innocent, but he was banished from his country as a penalty for having been suspected.

From which it appears that the grand jury's past is not unimpeachable. What about its present?

MAR 31

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First Monkey Wrench of the Season

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No. 514

March 30, 1922

With thoughts beginning to turn to the next session of the General Assembly, officials, politicians and civic groups will soon be considering legislation affecting Philadelphia's government. From a vaguely anonymous source comes the season's first proposed "improvement" of the charter of 1919.

Charter Tinkering

It would be foolish to claim perfection for the act of June 25, 1919, which gave to Philadelphia a frame of government so much better adapted to its modern needs. With its many compromises and concessions to expediency the new charter presents a far poorer picture than the bill originally drafted, after long months of labor, by the citizens behind the movement. Nevertheless, the charter as finally adopted is so substantial a gain that alert Philadelphians should not tolerate thoughtless or unprincipled amendments to the act. Such changes as are encouraged should be genuine improvements, conceived in a spirit sympathetic with the ideals of the charter itself, and harmonious with its provisions.

Would Elect City Solicitor

The first proposal (1923 series) to "improve" the charter, appeared in a Philadelphia newspaper of last week. In short, it is suggested that the City Solicitor, appointed by the Mayor under the terms of the new charter, be again made elective as in the good old days of yore—those golden days of the huge bicameral council, of the contract system of street cleaning, of police in politics, of borrowing money for current expenses, and so on *ad infinitum et ad nauseam*. No thinking citizen need be reminded that lengthening the ballot weakens its usefulness, and that it has repeatedly been demonstrated that popular election is not the means of selecting technical public officials. The principle of the short ballot

is by this time so familiar that no further space will be here given to it. Suffice it to say that instead of going backward by restoring the city solicitorship to the already far too long list of elective officials, the legislature should, on the contrary, take steps to make appointive (or abolish or consolidate) a number of Philadelphia offices which are not policy-determining, but the incumbents of which are now (theoretically) chosen by the electors of the city.

But More Than the Short Ballot

Aside, however, from the desirability of shortening the ballot, experience has shown the importance of having the chief legal officer of a government directly responsible to and in harmony with the head of that government. For example, what weight would be given to a proposal to have the Attorney General of the United States elected by popular vote instead of appointed by the President? Similarly, the Governor appoints the Attorney General of Pennsylvania, as he should, and a suggestion that the Governor have his chief legal adviser elected by the people would be met by pointing out that under the constitution of New York State the Attorney General is elected and that this method works so poorly that repeated efforts are being made to change the situation. Even though there is wide survival of the naive theory of the eighteenth century that democracy consists in electing all public officials from President to dog-catcher, there is a growing recognition of the need of having the chief executive's law officer chosen by himself. New York State's obsolete manner of selecting the Attorney

General is giving way in many cities and states to the appointive method, which is everywhere regarded as a great improvement.

Exactly So

The unnamed sponsors of the proposed backward step are quoted as asserting, among other grounds for desiring an elected city solicitor, that under the appointive arrangement the City Solicitor is "one of the Mayor's advisers" and as such "he must necessarily go with his chief." Which calls to mind the priest's reply to the tourist who was moved by the cathedral's magnificence to exclaim, "It does beat the devil!" The priest's reply was "That's the intention."

A NEW INTERPRETATION OF "RESEARCH"

DISTRESSED VOICE: Is this the Bureau of Municipal Research?

LIBRARIAN: Yes.

DISTRESSED VOICE: Can you tell me if you can find a woman's husband?

LIBRARIAN: In what connection?

DISTRESSED VOICE: Well, you see this woman's husband has been gone four years, and she ain't heard from him or seen him. She thinks he is married again and she wants to find out. You do research work, don't you?

LIBRARIAN: Yes, we do research, but our work is in the field of local and state government.

DISTRESSED VOICE: Well, shall I send her down to you? You do things like that, don't you?

LIBRARIAN: No, we do not, but if you will call the Bureau of Legal Aid in City Hall, they may be able to help you.

DISTRESSED VOICE: Oh, all right, I thought the Bureau of Municipal Research did things like that.

CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

ISSUED WEEKLY AT 805 FRANKLIN BANK BUILDING
 PHILADELPHIA-ENTERED AS SECOND CLASS MATTER
 JUNE 7, 1913 AT THE POST OFFICE AT PHILADELPHIA,
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 SUBSCRIPTION ONE DOLLAR THE YEAR-



That "Victory Hall"

University of Illinois Library,
 Urbana,
 Illinois.

No. 515

April 6, 1922

Philadelphia wants a municipal auditorium and wants it to be a soldiers' memorial; but need we set up a separate local government to build it?

THERE is more than surface significance to the ordinance passed on March 23 appropriating money to the city commissioners for plans and estimates for a "Victory Hall."

The Consolidation Act Really Consolidated City and County

The "consolidation act" of 1854 united under one city government the former city and all of the townships, boroughs and incorporated districts which, with the old city, occupied the territory within the county boundaries. With regard to the county, the act centralized its fiscal powers with those of the city, in the city councils; provided that the county should "continue to be one of the counties of this commonwealth"; provided for the continuance of certain county offices and the abolition of others; and provided that "the councils of said city, and the officers thereof, shall exercise all the powers and authorities of the superseded county commissioners and county board."

The City Commissioners Were City Officers

The city commissioners were established, not by the act of 1854, but by ordinance of councils in 1797. They were appointed by council, and performed most of the executive duties of the city. From 1799 until 1839 they were appointed by the mayor; then again by councils. The consolidation act retained the city commissioners, made them elective, transferred most of their former duties to other departments, and vested in them new duties, relating to assessments, jury service, elections, and "all other duties of county commissioners not otherwise provided for." These were to be performed "under direction and control of the city councils" and under the specific provision, above mentioned, that the powers and authorities of the previously existing county commissioners should be exercised by councils.

Bean-Spilling by Constitution

The separately elected city commissioners immediately began to defy councils' control, but it was

not until 1874 that, by the last unobtrusive clause of the schedule which put the state's new constitution into effect, the politician's dream of a separate board of commissioners, around which might be woven the fiction of separate county government, was realized. This clause provided that: "The words 'county commissioners' wherever used in this constitution or any ordinance accompanying the same, shall be held to include the commissioners for the city of Philadelphia."

This was followed blithely by an act of 1876 which specifically designated Philadelphia's city commissioners as county commissioners and fixed their salaries.

Building the Victory Hall

Accordingly, in subsequent cases where state laws of general application have imposed duties upon county commissioners, there has been raised the question of their applicability to the city commissioners of Philadelphia. The victory hall act of 1921 is one of these acts. A proposition for building a memorial hall having been approved by the people, it might be construed as the legal duty of the city commissioners to build the hall. For that matter, the act might be construed to give them permission to levy a separate tax for the purpose. This, however, would be in conflict not only with public policy but with the letter and spirit of Philadelphia's consolidation act, and would doubtless lead to legal dispute if attempted.

Common Sense

The city commissioners are to be commended for adhering to the spirit, as well as the letter, of the consolidation act, in indicating that they will rely on council for appropriations to finance the building. May council be similarly commended?

The city is already equipped, in the city architect's office and the department of public works, for obtaining designs, supervising and constructing the building. There does not seem to be anything in the victory hall act to require the work to be done in any other way. Is it good public policy for council to duplicate existing facilities? Is council trying to build up a second public works department, *exempt from civil service restrictions*, under the

omnibus aegis of the city commissioners? When council appropriates for construction, will those appropriations also go to the city commissioners? Does council really want people to think that there are two separate local governments in Philadelphia? Would it be to anyone's advantage if this idea could be substituted for the very prevalent idea that city and county were consolidated in 1854? Who would benefit if the public could be induced to swallow expansion of the "county" government's functions at the expense of the "city" government?

STATEMENT OF THE OWNERSHIP, MANAGEMENT,
CIRCULATION, ETC, REQUIRED BY THE ACT
OF CONGRESS OF AUGUST 24, 1912.

Of CITIZENS' BUSINESS, published *weekly at Philadelphia, Pennsylvania*, for April 1, 1922.

State of *Pennsylvania* } ss.
County of *Philadelphia* }

Before me, a *Notary Public* in and for the State and County aforesaid, personally appeared *William C. Beyer*, who, having been duly sworn according to law, deposes and says that he is the *editor* of CITIZENS' BUSINESS and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, *Bureau of Municipal Research, Philadelphia.*

Editor, *William C. Beyer.*

Managing Editor, *None.*

Business Managers, *None.*

2. That the owners are:

Bureau of Municipal Research. No capital stock.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent. or more of total amount of bonds, mortgages, or other securities, are:

None.

(Signed) *William C. Beyer*

Sworn to and subscribed before me this *17th* day of *March*, 1922.

(Signed) *Martha H. Quinn.*

[SEAL]

(My commission expires *January 16, 1923.*)

CITIZENS' BUSINESS

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The Supreme Court and Our Civil Service

University of Illinois Library,
Urbana,
Illinois.

No. 516

April 13, 1922

The recent decisions of the Supreme Court of Pennsylvania have revealed several weaknesses in the law governing the merit system in Philadelphia. These weaknesses should be corrected at the earliest opportunity by appropriate legislation and constitutional amendment.

DURING its January term the Supreme Court of Pennsylvania rendered five decisions affecting the civil service of the city of Philadelphia. Two of these decisions are of especial significance for the merit system in this community and deserve more than passing attention.

Removals Under Our City Charter

In considering these decisions, it will be helpful to recall the pertinent provisions of our new city charter. Section 18 of article XIX of this act reads, in part, as follows: "No officer, clerk, or employe in the classified civil service . . . shall be *removed*, *discharged*, or *reduced*, . . . until he shall have been furnished with a written statement of the reasons for such action, and be allowed to give the removing officer such written answer as the person sought to be removed may desire. . . . No police officer or fireman . . . shall be *removed*, or *discharged*, except . . . upon written charges, and after an opportunity to be heard in his own defense. Such charges . . . shall . . . be heard, investigated, and determined by the [civil service] commission or by one of the commissioners or by some person or board appointed by the commission . . . The finding and decision of the commission or commissioner or of such person or board, when approved by the commission, shall be certified to the appointing authority, and shall be forthwith enforced by such authority."

The Trial Board for Policemen and Firemen

From these excerpts, it will be observed that policemen and firemen are accorded the protection of a hearing before a trial board whereas other employes are given merely the right of having the charges against them presented in writing and an opportunity of filing a written reply. In actual practice, the civil service commission, acting as a trial board, has disposed of the cases brought before it in various ways. Frequently it has discharged the accused policeman or fireman; at other times it

has dismissed the charges against him; in many cases it has imposed fines or milder forms of discipline; and in a few it has demoted the person against whom charges were preferred.

Demotions Not Subject to Trial Board

The significant point in one of the recent Supreme Court decisions—in the case of David McCoach vs. the City of Philadelphia—is that a policeman or fireman may be *demoted without a hearing before the trial board*. In reaching this conclusion the court was guided by the fact that, while the legislature used the word “*reduced*” in the early part of section 18 of the civil service article where it required charges to be in writing and gave the employe an opportunity to file a written reply, it used only the words “*removed or discharged*” and omitted the word “*reduced*” in that part of the section which gives policemen and firemen a right to be heard before the trial board. This use of the word “*reduced*” in the one case and its omission in the other was construed by the court to indicate “a legislative intent to make distinction” and to deny to the trial board all authority to interfere with reductions or demotions.

Mischief Lurks in Free Demotion

It is not our purpose to quarrel with the finding of the court in this matter, for a strict adherence to the letter of the law would seem not to permit of any other interpretation, although a dissenting opinion was filed by one of the justices. But we do regret that it is possible under the law as it now stands to evade the jurisdiction of the trial board by simply demoting a police officer or fireman. As the dissenting justice puts it, “If a captain may be demoted to a lieutenantcy, why not to the position of an ordinary patrolman on some beat in an obscure section of the city? The exercise of this power is tantamount to depriving an officer not only of some of his rights, but of all of them, virtually forcing him to separate himself from the police force.” Such a

condition does not bode well for the morale and efficiency of the service and ought to be corrected by appropriate legislation at the earliest opportunity.

Power to Remove "At Pleasure" Extended

Of almost equal significance is the decision of the Supreme Court in the case of John E. Arthur vs. the City of Philadelphia. In this case the court ruled that a bureau chief, such as the chief of the Bureau of City Property, is an "appointed officer" within the meaning of article VI, section 4, of the constitution of Pennsylvania, and therefore may be removed at the pleasure of the person who appointed him. This means that all members of the classified service of the rank of bureau chief no longer have the protection against unjust removal formerly accorded them under the civil service provisions applying to Philadelphia. In this instance, it is beyond the power of the legislature to remedy the situation, a change in the constitution itself being the only way in which this could be brought about.

The Net Result a Weakening of Merit System

Despite the joy with which these decisions have been hailed in some quarters, the net result in the long run will be most unfortunate for Philadelphia. Administrations may come and go; their day of authority is nearly always brief. But the great body of civil service employes upon whom we must depend to carry on the day-to-day work of the city government should remain undisturbed. Let us not be deluded into thinking that the efficiency of the service is increased by permitting each new administration to indulge in its own particular brand of "house cleaning," and to impose its own pet definitions of "loyalty." This only tends to break down morale and efficiency.

Our civil service stands more exposed to the whims of those who may hold, for a brief span, the high places in our city government than it did before the recent decisions of the Supreme Court were rendered.

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Lost, Strayed or Stolen

University of Illinois Library,
Urbana,
Illinois.

No. 517

April 20, 1922

In September 1920, a board of consulting engineers, reporting on the Philadelphia water works system, recommended a definite program of improvements and extensions. As yet these recommendations have not been acted upon by the city authorities.

The water problem can not be solved by the mere filing of reports.

DURING the recent spell of midsummer weather, many Philadelphians thronged Fairmount Park, enjoying the delight of walking by the banks of the river or boating on its surface. Probably not one in a hundred of these city dwellers, instinctively seeking the water side as a relief from hot asphalt and brick walls, was aware of the full significance of the Schuylkill River and particularly of the Fairmount Pool to the life of the city. Many, no doubt, idly watched the rush of water over the crest of the dam by the aquarium. Some, perhaps, contrasted the volume of the flow with the usual hot weather trickle through the old dam, when no water goes over the flash boards.

Dependence on the Fairmount Dam

The original dam at Fairmount was built about 1820 under an agreement between the city and the Schuylkill Navigation Company, and was replaced in 1872 by the present dam. The water power thus made available was used to drive the turbine pumps housed in what is now the aquarium. Water power pumping was finally abandoned a few years ago, but the Fairmount Pool created by this dam and extending up the river to the Flat Rock dam, still feeds the big steam pumps at the Belmont and Queen Lane pumping stations upon which all of West Philadelphia and a large portion of the central section of the city are dependent for their water supply. The present Fairmount dam is admittedly defective. It is leaky and a flood or ice gorge might easily carry it away and lower the water level below the intakes of these pumping stations.

Furthermore, the present torrent of water over the dam completely vanishes during times of drought, which usually occur during the hottest weather when the demand upon the water works is most severe. In short, not only is that part of the city's water supply that is drawn from the Belmont and Queen Lane pumping stations absolutely dependent upon an antiquated and unsafe dam, but the flow

of the river is likely to prove inadequate at times of extreme low water to meet the demands of the pumps.

The Authorities Are Aware of This Situation

This situation has been repeatedly pointed out by the Bureau of Water which has sought funds for the construction of a new dam. The urgency of appropriating an estimated amount of \$800,000 for this purpose has been brought to the attention of Council by the Mayor in messages on September 29, 1921 and March 23, 1922. Moreover, the steps necessary to safeguard against these dangers were made a major point in the report of the board of consulting engineers appointed by the Mayor in July 1920. This board in its report to the Mayor on September 15, 1920 pointed out the danger of dependence upon the present dam, advising the construction of a new masonry dam as soon as possible. They further showed that plans for the extension of water facilities then being carried out would increase the draught upon the Schuylkill considerably beyond the observed low flow of the river. Accordingly they urged that a storage reservoir be constructed immediately on the Perkiomen watershed from which water could be released to supply the Belmont, Queen Lane and Shawmont pumps during periods of normal low water in the river. The construction of such an impounding reservoir would serve a double purpose. It would render dependable the present supply from the Schuylkill, and would also serve as a unit in a future water supply system drawn from the Perkiomen, the Neshaminy and Tohickon water sheds, and permit the city ultimately to abandon the Schuylkill and Delaware Rivers.

Where is this Report?

On September 21, 1920 the Mayor sent the report of the board of consulting engineers to Council with a letter stating that when the Director of Public

Works had more fully considered it, such recommendations as were deemed advisable would be made to Council. The report was referred to the committee on public works, and nothing has been heard of it since.

The Fairmount dam still holds, and at the present season the surplus water flowing over it is far greater than the pumping stations could possibly use. We must remember, however, that the dam is a year and a half older than when the engineers filed their report; that improvements to the pumping stations during this time have increased their capacity to draw water from the Schuylkill, although no steps whatever have been taken to secure an impounding reservoir to supply additional water when, in July or August perhaps, no water may be going over the dam and the flow of the river may well be less than the capacity of the pumps.

Why Has No Action Been Taken on this Report?

Obviously, the Fairmount dam cannot be strengthened nor can additional water be turned into the Schuylkill in times of drought by a report that has never been acted on, be the engineers who wrote it ever so eminent. The city authorities have surely had ample time in the past eighteen months to form a judgment as to whether or not the recommendations of this board will procure for the city a satisfactory water supply at a reasonable cost. If, in their judgment, these recommendations are sound and practicable, steps should be taken at once to initiate at least the immediate program recommended.

With the Sesqui-Centennial approaching, and a very considerable development of the northeast section likely to follow the opening of the Frankford elevated railway, it would seem advisable that no further time should be lost in facing the water problem, and proceeding to a solution of it by some such logical steps as were suggested by the board of engineers in 1920.

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What Is the Frankford Elevated Worth to the P. R. T. Co.?

University of Illinois Library
Urbana,
Illinois.

No. 518

April 27, 1922

Are the present negotiations for the lease of the Frankford elevated and the Bustleton line taking into account a most important factor?

Try, Try Again

Once more efforts are being made by the City to come to an agreement with the P. R. T. Co. for the operation by the latter of the Frankford elevated and the Bustleton line. Various arguments will, of course, be made for and against the propositions urged in behalf of the parties in interest. Doubtless, it will be contended in behalf of the Company that it will lose money through the operation of the City's lines, and very plausible figures and reports will be brought forth in support of that contention.

Will the P. R. T. Co. Lose Money?

But will the Company lose any money through the operation of the city lines? Do these figures and reports take into account all the factors involved?

It is true that so long as the fare is not readjusted with due reference to the lines in question the Company might lose money on their operation. But what about the valuation proceedings that are now going on? What bearing have these on the question? Why the valuation anyway?

The Why of the Valuation

Briefly stated, the valuation of the Company's property, both that owned and that leased by it, is being made for the purpose of determining the amount of net revenue to which the Company is entitled for rendering the public service for which it exists. By "net revenue" is not meant profits available for dividends to its stockholders, but the gross revenue less the cost of operation and maintenance. Interest on bonds or other debts, rentals to underlying companies, payments of debts, and the cost of new construction and equipment are not part of the cost of operation and maintenance, but must be met out of the net revenue, or out of borrowings or capital.

If the Public Service Commission follows its long-established practice it will allow the Company to

charge such a fare, or combination of fares, as is thought will give the Company a net revenue equal to 7 per cent of the valuation of the useful property used by it in rendering transportation service. At any rate, the Commission will allow a net revenue of a specified percentage of the valuation finally approved by it.

To Illustrate

If, for example, the valuation of the Company is fixed at \$125,000,000—the maximum figure which the City is reported as willing to concede—and 7 per cent is the approved rate of return, the Company will be permitted a net revenue of \$8,750,000 on its present lines. But if the Frankford elevated and the Bustleton surface line be turned over to the Company and made part of its system, approximately \$15,000,000 will be added to the valuation and \$1,050,000 to the allowable yearly net revenue of the Company.

An Assured Net Return

It is therefore apparent that the Company will be assured a net return of about \$1,050,000 a year on its operation of these city-owned lines. It will make no more difference whether the fare charged the users of these lines is sufficient to produce a profit or even to cover the cost of the service rendered to such users, than does the profit or loss on any other single line operated in the city by the Company. If the lines themselves do not supply the Company with the additional net revenue to which it is entitled, the deficiency will be made up by the users of other lines of the Company.

Nor will the question of what the Company is to pay the City in the nature of rental be considered any more than are the rentals paid to the numerous underlying companies. Rentals, like the purely financial transactions of the Company, are the Company's affairs, and do not directly enter into the determination of rates of fare.

Realization versus Expectation

There is the possibility, however, that in determining what fare or fares the Company is to charge, the Public Service Commission may permit—in fact, may require—the Company to charge users of the city-owned lines more than a single fare. For example, a zone system might be established, or 3-cent exchange tickets might be required for rides over connecting lines or over the Market Street subway and elevated route.

What the City Should Get

If the Company is to operate these city lines and make them integral parts of a single system, the City ought to secure its full share of the \$1,050,000 (or thereabouts) available each year for division between the City and the Company as a result of the operation of these lines. If the Company is to secure a net revenue of 7 per cent on the value of these lines, what per cent of such value should the City get from the Company? Should it get less than 6 per cent? If so, why?

The Company's Position

Doubtless, the Company does not want to take over the operation of these lines much, if at all, in advance of the time when it can have its revenue based on their inclusion as part of its system, for until then it probably would be a heavy loser. But when that time comes the Company will undoubtedly be most anxious to assume their operation. Then it will be entitled to a handsome net revenue over and above whatever net revenue it would be allowed on its system without these city lines.

On Guard

Let the City guard itself against making a lease that is not based upon an appreciation of all the factors involved, or that does not provide justly for both the Company and itself. Too much is at stake.

P. I. Sci

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Again— The Mandamus Evil

University of Illinois Library,
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No. 519

May 4, 1922

The agitation of two years ago over the "mandamus evil" has subsided, but the system which produces mandamuses is still with us.

SEVERAL weeks ago City Council received from the Board of Inspectors of Philadelphia County Prisons, (Holmesburg and Reed Street prisons) a communication stating that the board had fixed the salaries of employes of the two prisons for the year 1922, showing that the amount appropriated by Council for these salaries falls \$32,773.50 short of the schedule fixed by the board, and asking Council to make an additional appropriation to cover the deficiency.

Enter the Mandamus

The increases in question have the effect of restoring the bonus which Council had decided should not be given to the prison employes this year. Whether or not these employes ought to receive the bonus is a matter upon which we do not undertake to pass judgment in this pamphlet. Our emphasis is on the fact that although Council has declined to make the additional appropriation, the salaries in question can nevertheless be increased, since the Board of Prison Inspectors is one of the numerous local governmental agencies which can take money from the Philadelphia treasury by mandamus if they consider Council's appropriations inadequate.

Fundamentals

The incident illustrates several fundamental and obvious principles. To begin with, it is wrong that an agency not responsible directly to the electorate should have the power to draw without restraint upon a public treasury. The Board of Prison Inspectors is appointed by our common pleas judges and the line of control from electorate to the Board of Prison Inspectors is so tenuous as to be practically non-existent. It would scarcely do, however, to elect our Board of Prison Inspectors. That would be to increase the size of a ballot already too long and confusing, and to introduce into politics offices

which do not belong there because they are not perceptibly policy-determining.

No Treasury of Its Own

Moreover, the Board of Prison Inspectors, like other agencies with mandamus power, has no treasury of its own. Whether such agencies are appointed or elected, the best results cannot be expected so long as they have the right to finance themselves out of the proceeds of taxes levied by another agency, the City Council. No one would propose as a means of securing careful and prudent spending that the spender be allowed to draw at will on another man's bank account. Nor would such a state of affairs conduce to orderly and scientific management on the part of the owner of the bank account. It is not feasible, however, to give agencies with the mandamus power their own treasuries, for an increase in the number of tax levying bodies in Philadelphia is certainly not desirable.

Centralization of Power in City Council

If we are to have no additional treasuries the only way out seems to be to give Council the sole power to draw upon the city treasury. Council is a proper repository for such power. It faces the voters periodically on the issue of the taxes levied by it and the use made of the proceeds. Unfortunately, as has been shown, other agencies have the right to spend the proceeds of the taxes which Council has to levy. It is due to Council in fairness that it have just as complete control over the Philadelphia treasury as every man insists upon having over his own bank account.

A Distinction

It is reported that the action of the Board of Prison Inspectors led to denunciation of the mandamus system by councilmen, and that as part of the discussion a protest was voiced over Council's inability to control the taxes and appropriations of

the Board of Public Education. This board, like the Board of Prison Inspectors, is appointed by the common pleas judges, a feature which is not easily defended, and the school district is a government entirely distinct from that of the city, a feature concerning which there is a great divergence of honest opinion. It needs to be pointed out, however, that this has no bearing on the mandamus question. Council cannot control the school system, but neither is it held to any responsibility in connection therewith. The school board levies the school taxes, and has its own treasury. The city treasury consequently is not subject to mandamus for school purposes.

The Proper Horn of the Dilemma

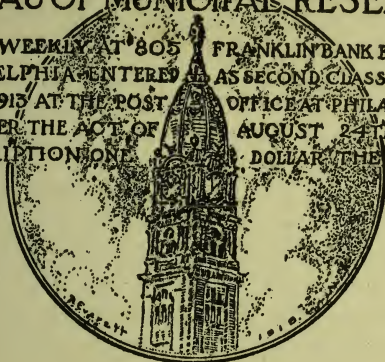
What should Council's action be in the numerous cases in which it is confronted by the possibility or threat of mandamus for expenditures which it does not consider justifiable? The practice in the past has not been consistent. Should Council appropriate the amount demanded simply because that amount can be collected even though not appropriated? Or should Council appropriate so much of the demand as it considers justified, leaving the balance to be mandamus'd, if those who have the mandamus power choose to exercise it? The latter, the course pursued in the case of the Board of Prison Inspectors under discussion, seems to be preferable because of the way it places responsibility. Council has gone on record as willing to accept responsibility for the amount it has appropriated. If additional sums are collected by mandamus, the responsibility for that clearly is upon the Board of Prison Inspectors. It may be a responsibility which they will not care to assume.

Such a division of authority does not accomplish all that could be desired in the way of responsible government, but it goes as far as Council can go under the existing distribution of money-spending power in Philadelphia.

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What Needs to Be Done to the State?

University of Illinois Library,
Urbana,
Illinois.

No. 520

May 11, 1922

"Economy and Efficiency" has a specific meaning this year. There are definite proposals for simplifying the state government.

VERY little attention has been given in the present primary campaign to the issue which in our judgment most deeply affects citizens' interests: namely, the reorganization of our state government to correct defects which have been sharply and bitterly criticised and to make it an efficient instrument for the service it is supposed to render.

Interest has been drawn to a public statement from the Commission for the Reorganization of the State Government, given out through the State Chamber of Commerce and later through the Pennsylvania State Association accompanied by an independent report by that association.

Executive Budget

The first proposal of the Reorganization Commission is one so thoroughly accepted that one can only question with amazement why it was defeated at the last session of the legislature.

Details of the Commission's proposed budget system have not yet been made public. It is to be hoped that they will include the following essential requirements:

1. The Governor should prepare the budget. He should have all the help he needs, including a new officer, a state budget director; but he should have no chance for shifting the responsibility for what goes into the budget to any subordinate or anyone else.

2. Proposals to spend money should be accompanied by proposals to raise it.

3. "State aid" to welfare agencies should be granted, not pork-barrel fashion, but in accordance with a uniform plan, enacted into law, whereby each institution of any particular class shall be paid in proportion to the public service it renders.

4. Appropriation bills should be acted upon early in the session instead of being held to the

end and used meanwhile as a whip to keep members of the legislature subservient to the Governor's interests.

5. The legislature should be kept in session until after the last appropriation bill has been disposed of by the Governor, so that a veto may be over-ridden if desired and responsibility for appropriations rest on the legislature alone.

Department of Public Works

The Board of Commissioners of Public Grounds and Buildings is entirely unsuited to detailed administrative management. Along with it are a dozen separate park, statue, memorial, and building commissions which a properly organized department of public works could supplant at once, and many more which it could replace eventually. It is time the multiplication of these independent commissions was checked once and for all.

State Purchasing Agent

It does not appear wise to include a state purchasing agent in the department of public works as the Reorganization Commission proposes. It seems desirable, however, to create the office of State Purchasing Agent, provided it is fully realized that there are limits upon his ability to buy for the widely scattered state institutions. But such an official has nothing in common with a department of public works any more than with any other state department. The agency should be entirely separate.

Tax Commission

Valuing property against which taxes are levied, and making and equalizing assessments, are matters which no elected official can be expected to perform in the public interest, and which any single individual will find difficult to perform because of the pressure he must withstand. These duties, now divided between the Auditor General and State Treasurer, are to be taken away from both according to the recommendation of the Reorganization Commission,

and vested in an appointed tax commission. This is a good recommendation.

At the same time there should be a complete reorganization of the other duties now ambiguously divided between the Auditor General and the State Treasurer. Both those officials should be made appointive, the Auditor General should be recognized in his true capacity as a state controller, and a new and entirely independent auditing office should be set up under the control of the legislature, substantially as recommended by the report of the Pennsylvania State Association.

Abolishing "Obsolete" Activities

The Reorganization Commission estimates a possible saving of \$900,000 per two-year period by reorganizing the duties of some divisions of the state government and discontinuing certain work altogether. The public will await with interest an opportunity to pass judgment on a bill of particulars.

Merging Special Funds with the General Fund

The tendency to multiply special funds in the state treasury is simply an invitation to complicated, disorderly and wasteful financing. It is desirable that all special funds except trust and sinking funds be merged with the general fund and that no new special funds be created.

More, Please!

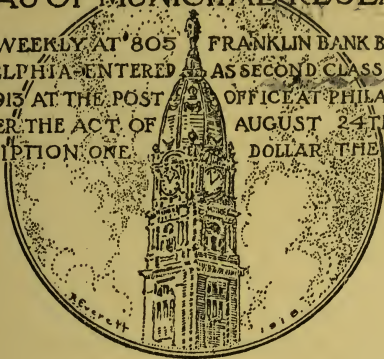
The tentative report of the Reorganization Commission is good, and the commission's suggestions subject to the modifications mentioned, seem very desirable of adoption. The report should go farther, however. Nothing is said about putting state civil service on a merit basis; nor about abolishing the offices of Lieutenant Governor and Secretary of Internal Affairs. Nothing is said about fostering real coordination of administrative efforts by correlating and merging departments until they are reduced to a number that makes cabinet meetings practicable. Let us hope that these matters will be discussed satisfactorily in the commission's final report.

Pol Sci

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Some Observations on Zoning

University of Illinois Library,
Urbana,
Illinois.

No. 521

May 18, 1922

Recent developments emphasize the importance of adopting zoning regulations for Philadelphia. In spite of this fact, City Council has not even provided the funds requested by the Zoning Commission to perfect the zoning ordinance which was referred back to that body for revision.

OUR readers will be interested in three developments that have a bearing on the important project of zoning Philadelphia to control the use and height of buildings and the portion of the lot to be covered. Two of these developments occurred in our midst and the other in far away London.

Control Over the Use of Buildings Upheld

Recently a decision was handed down by the Supreme Court of Pennsylvania confirming the decree of a local court in declaring a certain planing mill in the Tioga section a nuisance on account of the noise and dirt which emanate from the plant. This decision recognizes a principle which has been frequently sustained—that a home owner should be protected from the destruction of his domestic comfort by a nuisance-producing enterprise in an essentially residential district.

Public Zoning Superior to Individual Court Action

While the complainants in this particular case were successful in their plea to the courts, the whole proceeding was troublesome and consumed a needless amount of time, energy, and expense. Aside from these considerations, the question might very properly be asked whether the community as a whole, acting through the machinery provided in the municipal government, should not protect its citizens against improper uses of property, rather than force its citizens to seek relief by resort to the courts. Zoning embodies community action. But zoning not only prevents the invasion of residential neighborhoods by objectionable industrial or commercial undertakings; it actually defines locations where these pursuits can be carried on without restraint.

Proposal to Zone the Roosevelt Boulevard

The Fairmount Park Commission now seeks to control the use of property along the Roosevelt Boulevard, with a view to excluding stables, public garages, manufacturing establishments, and bill-

boards. The proposed regulations were submitted to City Council on April 12. Under the provisions of statute, the park commission holds the same position in regard to control over the location, size, and use of buildings within two hundred feet of the property under its jurisdiction as the Zoning Commission holds in the other portions of the city area. The regulations drawn by either body must be approved by Council before they can have the force of ordinance.

The proposal of the park commission is a commendable one, although it does not include control over the height of buildings nor the portion of the lot covered, and refers only to lots which abut on the boulevard. Of course, the whole city is as badly in need of zoning regulations as is the Roosevelt Boulevard, and the present proposal should concentrate attention on the entire zoning problem.

London Rejects the Skyscraper

In recent years there has been some agitation in London to relax the provisions of its Building Act so as to permit the erection of skyscrapers to a height of 120 feet on ordinary streets, and to an extreme height of 150 feet where such buildings face on a park or the river. After hearing both sides to the controversy, the Royal Institute of British Architects and the British Town Planning Institute by overwhelming majorities disapproved the proposal. It was agreed that an increase in the height of buildings would add to any existing congestion of traffic and would throw a greater strain upon all public services, such as drainage, water supply, and public transport both for passengers and goods.

The Town Planning Institute recognized that in some locations increased height might be permitted without public disadvantage. It is reported that the committee of the London County Council which is charged with enforcement of the Building Act has recommended that the maximum height of buildings

from the pavement to the under-ceiling of the top-most story be set at *80 feet*, a slight relaxing of the former regulations.

Is London Wiser than Philadelphia?

It should be understood that some of the streets in central London are even narrower than those in Philadelphia's downtown district, and accordingly lower height limits must be set. However, we have found our Philadelphia streets to be much too narrow to meet existing traffic needs. Town planners in London viewed with alarm the proposal to increase the building height to 120 or 150 feet. In Philadelphia, a maximum height limit of 150 feet for the central district suggested by the Zoning Commission, was strenuously opposed by certain interests as being much too low.

For the time being, these objections have prevailed and the councilmanic Committee on City Planning and Zoning by a split vote passed a motion on February 1, 1922 to eliminate the area of the old city from the provisions of the proposed zoning ordinance, and thus leave the central district without any height limit. This action, however, was not referred back to the whole Council for approval. Hence the proposed zoning ordinance, which is again in the hands of the Zoning Commission, has not been officially mutilated.

Where Are the Funds for the Zoning Commission?

The councilmanic committee has very properly instructed the Zoning Commission to hold public hearings and sound out local sentiment before sending the ordinance back to Council. However, this task requires funds which the commission does not have and, although zoning escaped the sword, it may now perish from lack of nourishment. So far Council has shown no disposition to make the necessary appropriation. One ordinance introduced by a member of Council has been disapproved, while a second, prepared by the Zoning Commission, appears to be sleeping peacefully in the Finance Committee.

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With the Advice and Consent of the Senate

University of Illinois Library
Urbana,
Illinois.

No. 522

May 25, 1922

The tradition of having executive appointments confirmed by a legislative body is strongly entrenched in the American political system. Has the practice justified itself—especially in local affairs?

Confirmation

Is the legal requirement of councilmanic confirmation of the Mayor's appointments to public office a useful protection against abuse, or is it an impediment to effective and responsible administration?

City Council's exercise of its right to withhold confirmation of the Mayor's recent appointment to fill the vacancy in the office of Purchasing Agent prompts that query, and makes it of interest to glance briefly at the history of Council's power to limit the free exercise of executive appointment.

Imitation

Just as our states copied the federal plan of coordinate branches of government, including the two-chambered legislature, in their constitutions and in city charters, so they imitated the requirement in the constitution of the United States that the official appointments of the President be made "by and with the advice and consent of the Senate." And just as one city after the other came in time to question whether a bicameral council serves a useful purpose, so occasions arise to question this other survival.

Degeneration

In the course of time, senatorial confirmation became primarily a matter of distribut-

ing the loaves and fishes, rather than the process of helpful and gently restraining "advice" as conceived by the founders. The shibboleth "senatorial courtesy" came to mean the control by senators (of the political party in power) of the patronage in their particular states. This technic was imitated in the politics of the states, and in Philadelphia there has developed "councilmanic courtesy" the full implication of which is that appointments from a certain ward or district are somehow subject to the visé of the councilman from that bailiwick.

Perpetuation

When the Greater New York charter of 1897 was drafted, the effect of this limitation on executive judgment and responsibility was recognized, and the mayoral appointments were made free of confirmation by the city's legislative body.

But when the citizens' committee did the work which culminated in the new Philadelphia charter of 1919 the proposal to relegate councilmanic confirmation of mayoral appointments to the limbo of forgotten things met with no support from the "practical" folks, and so the law requires that department heads, the City Architect and the Purchasing Agent be appointed by the Mayor "by and with the advice and consent of the Council." Following the federal custom, however, the Council has almost in-

variably ratified the Mayor's cabinet appointments without question.

Procrastination

In the case before Philadelphia, the net effect of Council's failure to confirm the Mayor's appointment at once will probably be nothing more serious than some weeks' delay, and a display of political fireworks. We hold no brief for the appointee nor for his councilmanic critics, and are not here concerned with the merits of the controversy. The incident makes it clear, however, that even if this ancient institution may be defensible in national affairs because it is obviously impossible for the President and his immediate advisers to know local conditions and local personalities, it cannot be justified in municipal administration. The logical result of its application is the diffusion of responsibility for appointments between the Mayor and the Council, whereas all the recent efforts to improve city government in America have sought to lessen the opportunities for "passing the buck."

If the next General Assembly considers any amendments to the Philadelphia charter, this situation is well worth consideration.

Governmental Research Conference Meeting

On June 1-3 the Governmental Research Conference of the United States and Canada will hold its tenth annual meeting in Cleveland. All those interested in this gathering are invited to attend.

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1922

Philadelphia's Next Budget

University of Illinois Library,

Urbana,

Illinois.

No. 523

June 1, 1922

Will the Mayor seize his opportunity to make the budget an illuminating document and a dynamic force in government?

Will the city's next budget serve as a model to the next Governor?

Budget Time Is Approaching

Within the next few weeks the city's budget machinery will be set in motion, and in due course the various units of the city and county government will submit to the Mayor their estimates of the sums needed by them in 1923. It would seem, therefore, that now is an appropriate time to give some thought to this matter of the budget, to ask ourselves what it is all about, and to see in what respects the city's budget procedure is faulty or is susceptible of improvement.

The Budget Not An End in Itself

Everybody seems to believe that the city ought to have a budget. Somehow all of us have come to accept this view. Inquiry doubtless would disclose the fact that most of us have accepted it on faith, without analysis or question, just as we arrive at so many of our opinions. At any rate, the fact that the city has an annual budget seems to make most of us contented, as though to have a budget is to reach the height of attainment.

Now a budget is no more an end in itself than is a locomotive, an elevator, or an automobile; nor are budgets more uniformly serviceable or efficient than are these other human creations. A budget is merely a means to an end; a device; a tool; a piece of machinery. Its value lies in its construction; in its ability to render service; and, above all, in the use to which it is put.

The Mayor Is Philadelphia's Budget Maker

Under the new city charter the duty of preparing the budget is placed on the Mayor, as, of course, it should be. However, this duty can be performed in so perfunctory a manner that the budget is reduced to a relatively unimportant position in the affairs of the city; or it can be performed with such a degree of enthusiasm, intelligence, and con-

scientiousness as each year to make it the outstanding feature of our city government and the leading power for good.

Undoubtedly distinct progress has been made during the last few years in the preparation of the municipal budget and in the action taken thereon by the city's legislative body. There remain, however, many opportunities for improvement throughout the budget procedure of the city.

What Should the Budget Be?

The budget should be an interesting, informative, illuminating, meaty document. It should be primarily a program and statement of policy by the city's chief executive. In it he should set forth in unmistakable terms his views, criticisms, and recommendations as to the city's activities and finances. In it he should give accurate and fairly complete information regarding the financial operations and condition of the city. Above all, he should include, specifically and unequivocally, his recommendations as to the appropriations, expenditures, revenues, and borrowings of the city for the succeeding year.

Furthermore, the budget should be conceived and fashioned for the information of the public, as well as for the guidance of Council. It should be an instrument of publicity at least as much as it is a legislative document. Its form, detail, and contents should be thoroughly suited to the needs of both councilmen and plain, everyday citizens.

What the Budget Should Not Be

The budget should not be a mere compilation of the estimates or requests of the various departments of the city and county government; nor should it be like the typical dry-as-dust collections of figures that year after year masquerade as budgets throughout the land. The budget should not be any more technical than is absolutely necessary to serve its purposes. And it should not be used as a means of playing politics, conferring favors, punishing en-

emies, mystifying or confusing anyone, or conveying misinformation of any kind.

The Budget and the County Departments

Every now and then the view is expressed that the Mayor has no control over the county departments; that Council must give those departments what they ask for; and that the Mayor must, or might as well, include in his budget the amounts estimated or requested by those departments.

Whatever power the county departments may have to spend money in excess of, or contrary to, the appropriations made to them by Council, the Mayor should study, criticize, and revise the county requests just as completely as though they came from the city departments under his immediate control. He should battle for what he conceives to be in the public interest, irrespective of any mandamus power that may exist. He should let the onus for expenditures in excess of the amounts that meet his approval fall on the shoulders of those who are responsible for such action. Thus he would contribute greatly toward wiping out the mandamus evil and toward accomplishing some of the most beneficent results attainable through a budget system. He also would be performing well a duty which the city charter clearly places on him.

Public Hearings on the Budget

Under the law, Council is required to consider the budget in open sessions and to afford "a reasonable opportunity to officers and citizens to be heard thereon." There is no requirement that public hearings on matters relevant to the budget be held prior to its submission to Council, but it would be highly desirable that the Mayor hold such hearings. They would have a salutary effect all around; in some respects they would be of greater value than the public hearings now required by law. Both kinds of public hearings would go well together. Each kind would contribute its share toward making democracy more real and its business operations more efficient.

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JUN 9 1922

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The "Crowner"

University of Illinois Library,
Urbana,
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No. 524

June 8, 1922

Are coroners any more useful in these
days than crowns?

it might be supposed that the duty of determining whether a crime has been committed and discovering the offender would be better performed by one who has some legal training than by one who has not. And certainly, with all the new ways that are being invented of doing away with oneself and his neighbors, the layman nowadays cuts a sorry figure in ascertaining the cause of a death. What happens in case of doubt is that the coroner calls in a physician to make a post mortem examination and the results are given to the coroner's jury, which must also feel somewhat helpless, inasmuch as it too is composed of laymen.

The Only Good Indian

These considerations are leading in various parts of the country to radical changes in the office of coroner. It is being made appointive. Its judicial and magisterial functions, which are relatively unimportant, are being abolished or transferred to those whose training better qualifies them for such duties. Requirements are being adopted that the coroner be skilled in medicine. When these things are done to the coroner nothing but his name remains, and even this is disappearing in favor of officers known as "medical inspectors" or "medical referees." At least four states have taken this latter step. New York City has had a chief medical inspector instead of a coroner for almost five years.

One Jury Less

If the office of coroner is to go, no doubt the coroner's jury will also disappear. It is an institution whose loss could probably be endured. It may have had a value in days when the lay jurymen knew as much as the medical fraternity about pathology, anatomy, chemistry, and kindred sciences, but those days are no more. It would seem, also, that with the grand and petit juries there ought to be enough juries left to safeguard all our liberties.

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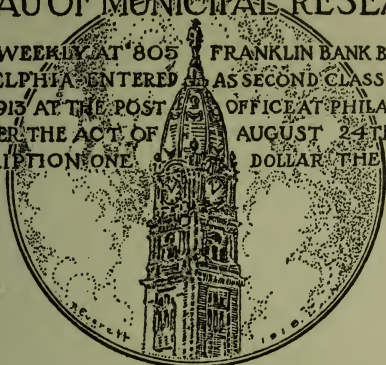
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“Let's Go!”

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Urbana,

Illinois.

No. 525

June 15, 1922

The effective handling of traffic in a big city is a compound problem embracing unit problems at every street intersection. An adequate solution must recognize the correlation of these units.

Traffic Control Now Decentralized

The city's work of traffic control is highly decentralized, even in the congested section. A stroll along Chestnut, Market, or Broad Street, or any other main thoroughfare in the downtown district, reveals the fact that a very real traffic problem exists at each street intersection—a problem that completely engages the faculties of a traffic officer, or in some cases of several traffic officers.

These individual problems are handled separately and distinctly, although the independent control of traffic at a given point does not simplify the control of traffic at the four adjacent street intersections. In fact such control usually has exactly the opposite effect and complicates the problem at these crossings, while its influence may be felt for several blocks.

In the district bounded by Eighth, Sixteenth, Locust, and Arch Streets there are some seventy points of intersection throwing out waves of interference in all directions. Verily, to the birds of the air, the street traffic in such a district must present a kaleidoscopic picture of greatly conflicting currents of travel.

A Problem Yet to Be Solved

Philadelphia has the reputation of having done pioneer work in handling street traffic. It is asserted that the first street traffic semaphores were installed here, and that the "one-way street" is a Philadelphia innovation. But in the matter of correlating the unit problems at various street intersections, and synchronizing the

traffic flow beyond a single block, Philadelphia has not kept pace with traffic control elsewhere.

The Coordinated Semaphore System

In 1919 New York City attempted this step forward. Signal towers, somewhat similar to those used by railroads, were installed on Fifth Avenue at five points from 34th to 57th Streets. From these towers, the traffic within this zone on Fifth Avenue and that contributed by cross streets is now controlled by coordinated flashlights. At a given signal the traffic moves north and south on Fifth Avenue for the whole distance between 34th and 57th Streets, and all cross-town traffic at Fifth Avenue is suspended. After a period the signals change and all Fifth Avenue traffic stops simultaneously, while cross-town traffic moves at Fifth Avenue.

This innovation is a radical extension of the block system. It involves longer periods of waiting by that part of the traffic against which the signal is set; but, on the other hand, it results in a marked reduction in the number of starts and stops for the preponderance of traffic, and a great gain in the distance which traffic moves uninterruptedly.

Shall Philadelphia Try It?

New York City's experiment was not unaccompanied by predictions of failure; but, with slight changes of detail suggested by experience, and with its fuller understanding by the public, the system has been retained for over three years, until its relative permanence seems assured. Moreover, plans have been proposed for extending the synchronized control over the cross-town streets and other north and south streets.

Based on this accomplishment, the coordinated semaphore system has commended itself to those who have been studying Philadelphia's traffic problem. Hence, an ordinance is now pending in the City Council, with indications favoring its passage, providing funds for the experimental installation of such a system here. It is generally recognized that the Fifth Avenue system cannot be imitated in all details in Broad Street, mainly because the east and west traffic in Philadelphia is relatively much greater than that in New York. Initial modifications, however, have already been worked out by the local traffic authorities to adapt the system to local conditions, and the modified plan awaits only the sanction of Council.

Public Cooperation Needed

If and when the new signal towers are erected in Philadelphia, and the synchronized signals begin to flash up and down Broad Street, the plans of the Bureau of Police can have a fair trial, and reach their most effective development, only with the cooperation of those for whose greater safety and convenience the system is intended—those who make up the vehicular and pedestrian traffic on congested streets.

It will take a little time to iron out the wrinkles in the experimental system; it will take a little patience and effort, no doubt, for traffic to accustom itself to the new order. But as things tend to work more smoothly, and as drivers and walkers begin to realize that they are enabled to reach their destinations more quickly, and with greater convenience and safety, the birds of the air will soon realize that there is a new system and orderliness to traffic's motivating impulse, "Let's go!"

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The City Planning Commission

University of Illinois Library
Urbana,
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No. 526

June 22, 1922

A city planning commission would serve a useful purpose in developing plans for public improvements, and in securing popular support for the vast projects now under consideration.

ON June 1 the Mayor submitted to Council an ordinance providing for the creation of a city planning commission composed of eleven designated city officials and twelve citizens to be appointed by the Mayor.

Status of the Commission Under the Law

The new charter provides in Article II, Section 10, that the city may create a city planning commission to study the planning of the city with reference to the layout, relocation, and widening of the streets and the location of public improvements, parks, playgrounds, and public buildings. In regard to all these matters, the commission may submit recommendations to Council. Its powers and activities, accordingly, are advisory only, not administrative; but in the advisory field, the commission may operate within rather broad limits.

What About Another Commission?

The trend of today is unmistakably away from the numerous independent or partly independent boards and commissions that have been established to deal with this or that function of city or state government. For this reason each proposal to add another commission in Philadelphia should be carefully scrutinized. We believe that there would probably not be any general support for a plan to turn over to a separate body of this character any activity of the city government now centralized under the Mayor. However, the creation of a city planning commission has a very different significance. This body would not usurp any executive functions. Rather it would serve to coordinate and to strengthen certain of the activities of the several departments and many bureaus which are responsible to the chief executive.

Do We Need a City Planning Commission?

Although the proposed commission, with its purely advisory function, would not disarrange the present

scheme of centralizing power in the executive, its creation should nevertheless be clearly justified. The activities prescribed by law for the commission are actually already within the jurisdiction of the executive departments and of the Fairmount Park Commission. It is perfectly proper for any of these units to recommend plans for public improvements to the Mayor or to Council. Such, in fact, has been the practice for many years; and, on the basis of recommendations thus made, there has been a continuous outlay for public improvements, and several notable projects in the realm of successful city planning have been completed. Why then have a city planning commission?

Coordination of Effort

It will be of distinct advantage to Council, which authorizes all projects for public improvements, if these projects are thoroughly sorted over before reaching Council. Furthermore, the entire city will benefit if all undertakings proposed hereafter are considered in their proper relation to broad plans for the city's development.

In working out these plans, it is especially desirable to have group judgment and the participation of all agencies in the city government concerned with the planning, authorization, and execution of public improvement projects. For that reason it is proposed to create an advisory body comprising the Mayor, the heads of his executive departments, the President of the Fairmount Park Commission, and the President of City Council. The efforts of these officials, moreover, will be supplemented by the active participation of a group of citizens who will bring an unofficial point of view to bear upon the subject.

The Function of the Secretary

The ordinance provides for a secretary to the commission who will be at the very least an important cog in the machinery if not, indeed, the main-spring. Considering the duties he should perform, the title of secretary may perhaps be a trifle misleading. Sending out notices of the meetings of the

commission and keeping the minutes should be relatively unimportant parts of his work. It should be the secretary's duty to secure popular support for the important undertakings in contemplation. Technical training is not a necessary qualification for the secretary. He should, rather, be a promoter of large capabilities. The excellent results obtained by Chicago in the development of its city planning, through the employment of a capable promoter as the managing director of the Chicago Plan Commission, has furnished the entire country with a most valuable precedent.

Technical Services

Specific provision for technical services to the commission is not made in the proposed ordinance. In a letter accompanying the ordinance, the Chief of the Bureau of Surveys suggests that this service be performed in the engineering bureaus of the city departments rather than by a separate technical force set up for the commission, and that the city plan be compiled in the general plans division of the Bureau of Surveys. This suggestion seems very reasonable and, if adopted, should serve to utilize to a full extent the organization which the city already possesses.

While no mention has been made of the subject, much advantage will doubtless accrue also from the occasional retention of the consulting services of city planners, appropriation for which should be made by Council.

The Need is Immediate

Several important projects are pending towards which a city planning commission can make a valuable contribution. One is the matter of suitable traffic approaches to the Delaware River bridge. Of great importance also is the layout of facilities for the Sesqui-Centennial exposition. While this latter enterprise will be conducted by a private association, the city will doubtless make extensive appropriations for street improvements, public buildings, and for other projects connected with it. In regard to both of these matters, Council could receive valuable assistance from a city planning commission.

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Why Did the City Architect Turn Down a Job?

University of Illinois Library
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No. 527

June 29, 1922

The trail of the effort to break the city-county of Philadelphia into two governments again crosses the path of the Victory Hall.

WHY did the City Architect tell the City Commissioners he could not serve as their consultant on the proposed Victory Hall?

A Good Start

The City Commissioners (popularly referred to as the county commissioners) received a ten-thousand dollar appropriation from Council toward the cost of preparing plans and specifications for a soldiers' memorial or "Victory Hall." Very commendably, the commissioners sought professional opinion as to how they should proceed. On advice from the Philadelphia chapter of the American Institute of Architects, and from other bodies, they decided that the memorial should be designed as the result of an architects' competition, the first step of which should be to secure the services of the City Architect as architectural adviser.

The "County" Commissioners Reported to Council!

On June 15, the City Commissioners reported to Council that they had invited the City Architect to act as their professional adviser, that he had felt called upon to decline, and that they had obtained the services of another eminent architect, who had outlined plans for a competition and submitted an estimate of its cost, including preliminary work which he must do. The City Commissioners therefore asked for an additional appropriation of \$12,000, which has been approved by Council's finance committee and probably will be voted on by Council at its meeting on June 29.

Steady!

Before this "Victory Hall" proposition gets into deeper water, there are points on which citizens of Philadelphia would do well to insist that the record be made clear. The first of these, whether \$22,000 for preliminary costs would be necessary if the work were conducted under the City Architect instead of under a special consultant, is the least important. In

an undertaking of this magnitude, where the goal is the highest possible quality, a slight difference in preliminary costs is not significant.

Why?

The serious question is, *Why did the City Architect refuse the job?*

Here is a city charter in which is set up the office of City Architect, for the express purpose of bringing all the architectural work of the local government under one control. The provision for this office imposes upon the City Architect the *duty* of designing or supervising the designing of the plans of public buildings to be paid for by money appropriated by City Council. The charter further says that, "It shall be unlawful . . . to pay . . . moneys from the city treasury for the erection or construction of any public building, except upon certificate of the City Architect that the specifications, drawings, and plans of such public building have been prepared . . . by him or under his supervision . . .," and there are provisions for the appointment of special architects by the City Architect, by means of competition or otherwise, in cases where desirable. The policy of the City Architect's office avowedly has been to carry out completely the spirit of the charter and to establish a precedent of high professional standards in Philadelphia municipal architecture. Why, in the face of the charter's mandates and his own policy, did that official in this case feel "called upon to decline"?

On Being Straight-forward

The answer seems to be that the City Commissioners DID NOT consult him as City Architect. Though subsequently they admitted over their president's signature that the Victory Hall project came precisely within the terms of the charter section defining the City Architect's official duties, they came to him *as an individual*, whom they *invited* to act as their official professional adviser. Of course he could do nothing but point out that he could hold no second

public position of profit; and that he could perform no professional service with reference to the proposed building *other than as City Architect*. This fact is not yet clear upon the public record. It ought to be made clear before the additional \$12,000 is appropriated.

The Law Goes On Just the Same

The City Architect's legal disability to serve the City Commissioners as an *individual* does not relieve them of the necessity of accepting the services which he pointed out he must perform for them as *City Architect*. The City Architect's refusal to serve as an individual consultant does not relieve him of the duty of serving in his capacity as City Architect. The right of the Philadelphia City Commissioners to employ a special adviser except through appointment by the City Architect is decidedly open to question and the legal support for it is not convincing. It is exceedingly doubtful whether payment can be made legally for constructing the building unless the procedure laid down in the charter is followed; especially since the funds proposed to be used for construction are loan moneys borrowed not by the City Commissioners but by City Council, and for the purpose of erecting not a "Victory Hall" but a convention hall.

Avoid Trouble Now

Is it not the time NOW to get straight on this proposition? Irrevocable wrong steps have not been taken. The way seems open for the City Architect to assume his legally proper place in the situation without even displacing the present special consultant. Before the City Council approves any more money for the preliminary work, or accedes to the unusual request for approval of the City Commissioners' course, it should have before it the correspondence between the Commissioners and the City Architect, in order to know exactly what was the course which it is asked to approve.

Is it not better to act promptly and aggressively now than to have a popular project tied up in red tape later?

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The "Practical" Man and the "Theorist"

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No. 528

July 6, 1922

Even the most "practical" of us are sometimes unduly "theoretical," and the so-called "theorist" is not always wholly lacking in "practical" sagacity.

Exchanging Compliments

Rarely is there a controversy over a public question without some exchange of compliments between the "practical" men and the "theorists." As a rule the initiative in this exchange is taken by the former. Often these self-styled "practical" men have recourse to a rather picturesque vocabulary and supplement the term "theorist" with such telling gems as "high-brows" and "academic nuts." They take great pride in being "practical" and affect a pitying contempt for the poor "theorist."

Of course, the hurling of epithets, even when they are of the spicy variety, seldom throws new light on the questions at issue. The performance, however, is not always without interest. To the detached observer it frequently presents an element of humor and at times considerable food for thought.

The Lamb's Tail

It may strike him, for example, that to call oneself "practical" does not necessarily make one so; and, conversely, to call another person a "theorist" does not prove him to be a theorist. The "practical" men in the day of Christopher Columbus regarded that great discoverer as a mere "theorist" because he believed the earth to be round and proposed to act upon that belief; but events demonstrated that he was more practical than his scoffing critics. As Abraham Lincoln once put it, to call a lamb's tail a leg does not give the lamb five legs, for calling the tail a leg does not make it one.

Winning the Prize for Theory

At times, in fact, our "practical" men are

theorists of the deepest dye without knowing it. The reason they do not know it is that they are in the habit of associating theories with new proposals only and forget that a theory embodied in practice may be a theory nevertheless. Those who oppose the short ballot are wont to regard the proponents of this reform as mere "theorists" and then argue for the retention of the long ballot on the ground that the latter is "more democratic." Little do they appear to realize that their defense of the long ballot is based upon Jacksonian theories of democracy which have come to be quite generally discredited by actual experience. Now we submit that anyone who continues to cling to a political or social doctrine long after it has been tried and found wanting is almost deserving of the prize for "theory."

When Facts Are Unpleasant

Nor is it unusual when the "practical" person flings the epithet of "theorist" that he is merely resisting the presentation of cold facts that do not fit in with his own preconceptions. Witness the official opposition to the report of the Mayor's commission of engineers on municipal street cleaning in 1920. This report pointed out that every large city in the country except Philadelphia was cleaning its streets with municipal forces rather than by contract. It so happened, however, that high officials in the city government and other influential citizens held to the theory that street cleaning was not a proper governmental function, and for a time the report was kept well in the background. Many a painstaking investigator has been branded a "theor-

ist'' for no other reason than the failure of his facts to conform with accepted beliefs and dogmas.

The Only Safe Inference

About the only inference it is safe to draw when we see two men pelting each other with mud balls like "theorist," or any of its popular synonyms, is that these individuals have a difference of opinion. That difference of opinion in all probability is due to the usual causes: Either the disputants desire to reach different goals, or they differ in their understanding of the facts, or both.

What is Profitable and What Isn't?

It may be safe to assume that in nine cases out of ten the parties to a controversy on public questions profess a common goal but differ in their version of the facts. From this it would appear that the logical method of reconciling their differences is to ascertain what the facts really are. At any rate, we venture the opinion that the public, which is most concerned with the settlement of questions of this character, will gain far more enlightenment from a presentation of facts than from any exhibition of "throwing bouquets" however dexterous the performers.

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Preventive Street Cleaning

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Direct municipal work has not only made it possible to improve the quality of the street cleaning service, but it has concentrated attention upon other factors which have a bearing on clean streets.

ONE feature of the municipal street cleaning program that was somewhat obscured in the controversy of recent years, is now being accorded fuller recognition. Responsibility for the cleanliness of the streets has been definitely fixed jointly upon the municipal authorities and the citizens for whose benefit the cleansing work is performed. No longer can the citizen offer the excuse for non-observance of regulations governing the cleanliness of the highways "that the contractor is paid well enough to keep the streets clean under any circumstances." Nor can municipal authorities "pass the buck" to the contractor for dirty streets whose condition may have been due largely to the negligence of the citizen.

Preventive vs. Corrective Street Cleaning

The Department of Public Works, which is charged directly with the work of cleaning the streets, realizes that even at prohibitive expense it would be difficult to maintain our streets in good appearance if the individual citizen does not assist the department. Without such citizen cooperation municipal street cleaning may fail to attain the goal that Philadelphia has set out to reach.

Accordingly, the several administrative officials concerned with this problem, in conference with the Mayor, have decided upon a clean streets' campaign which is now in progress. An effort will be made to secure the cooperation of the citizen by advising him of his responsibilities and of the regulations which should be observed. Utter disregard of the provisions of statute or ordinance will result in the arrest of the offender with a hearing before a specially designated magistrate's court.

Greater Success Probable This Time

The campaign under way is a commendable one and should receive wide support. Conditions appear to be favorable for greater success this time than on the former occasions when educational and law-enforcing programs have been undertaken by municipal officials. There is very general sympathy with the municipal street cleaning undertaking. Moreover, with the elimination of the contractor, it should be clear to the citizen that there will result from this cooperation a direct gain in both the appearance of the streets and in the cost of performing the street cleaning work.

Of course, the factor of greatest importance in determining the outcome of the campaign for cleaner streets is the desire of the administration to make a success of the municipal street cleaning undertaking. For that reason better teamwork may now be expected from the several administrative departments participating in the program than on previous occasions.

The Handicap for the Householder

The limitations imposed by local conditions make it very improbable, though not impossible, that our streets should in the long run present so well kept an appearance as those of certain other cities, notably, Washington, D. C. In the absence of team alleys, the bulk of our household refuse must necessarily be collected from the street, a practice which is a source of considerable litter even under the best conditions. But in view of the inaccessibility of the cellar to the front street in the average Philadelphia row house, except through relatively small cellar windows or by a long trip through the house, the

householder is practically forced to use a number of small receptacles for refuse, rather than fewer large containers which would doubtless be of much tighter construction.

This condition will always present an obstacle to clean streets in the existing built-up portions of the city. Only by persistency on the part of the municipal authorities will the householder be influenced to do the very best possible under such a handicap. Certainly in the future our homes should be planned to facilitate the removal of household waste.

Education to Overcome Careless Habits

Habits of carelessness and thoughtlessness, which result in the promiscuous littering of the streets, are deep-rooted and will be overcome only as the result of persevering effort at education. Punishment of the offenders against existing regulations will do some good by focusing public attention for the time being upon the subject, but much more will be accomplished in the long run by a continuous process of enlightenment and persuasion. For this purpose the street cleaning organization should be provided with the means for conducting a year-round campaign for cleaner streets. Particularly should the subject be carried into the schools, in the hope that a deeper sense of civic orderliness will take root in the coming generations. The city would receive an ample return for its exertions in this direction.

Much good, of course, can be secured from even a short campaign to urge the observance of state and municipal regulations. Intensive effort at law enforcement, periodically applied, would doubtless prove more valuable, however, as a supplement to continuous educational work, just as the annual clean-up week adds to the value of the regularly conducted refuse collection service.

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A Minor Phase of a Major Problem

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No one, we take it, would interpose objection to the legitimate use of public facilities for private business or convenience. All that seems to be called for is a proper recognition of the public's rights, through adequate control and by suitable compensatory payment.

The Big Franchises

The whole question of franchises to public utility companies has been studied by publicists, engineers and economists so exhaustively during the last thirty or forty years that whenever a controversy arises between public authorities and a utility corporation, there is a ready array of "experts" on each side, and a wealth of written material to enlighten those charged with the problem.

There is today hardly an American city that has not before it at least one important issue involving utility rates, franchise terms, or one of the other knotty phases of governmental supervision of these great public services. Philadelphia has its share of these big issues.

Their Little Brothers

Akin to the public utility franchise, in a general way, is the special franchise granted to private individuals and corporations to lay pipes, conduits, or tunnels, to build bridges over streets, or to build vaults under streets. These are frequently merely a convenience to the persons seeking the permission, often have no particular significance to the public, and have usually been regarded as among the minor and relatively non-troublesome matters calling for the attention of public administrators. While some cities have neglected to make provision in the past to protect the municipality against failure to repave street openings occasioned by these private undertakings,

there is now a fairly well established control in practically every city. Fees are usually charged for permits, and in some communities the city's highway engineers have worked out rules to prevent the too frequent opening of particular streets from becoming a nuisance, and to protect the city (usually by bond or cash deposit) from loss against unsuitable restoration of the roadway.

Something of an Issue Here

Recently there appeared in our newspapers a brief item to the effect that Council has decided, informally, to take up this particular problem when sessions are resumed in September, and to adopt a policy in regard to it. This decision appears to be the outcome of a series of vetoes by the Mayor of ordinances granting the special rights to various concerns. The adoption by Council of a well thought out policy should provide a schedule of uniform charges that would be fair to all who require facilities involving the use of public property, and which would establish more adequate official control. Any policy adopted with the city's interests in mind, will, of course, provide fair compensation for use of public property.

A Slumbering Proposal

For nearly two years, there has been before Council an ordinance prepared by the Board of Highway Supervisors, which prescribes limitations on and compensation for the use of the highways. Possibly this particular ordinance could be improved upon, and we have no criticism of its provisions,

one way or the other. For some reason, this ordinance was allowed to slumber while each request for permission to use public property in the manner indicated was treated by Council on its individual merits. Some who are wise in the lore of City Hall say that the ordinance had few friends because some persons in high places like to be in a position to extend favors. Perhaps that is true, but whatever motives may have operated in the past, early and, let us hope, satisfactory solution of this matter seems to be promised.

As in the Case of Big Franchises

Whatever action Council will decide to take, one point must not be overlooked. Long and costly experience has taught the necessity of avoiding any kind of franchise in perpetuity. Careful provision must be made for later amendment if necessity or prudent public policy so demands.

As it is not given to us poor humans to foresee future conditions in our municipal affairs—a fact well attested by the failure of the best minds and consciences of the seventies and eighties to avert many of the controversies and complications of the last two decades—our City Fathers of 1922 should ever be on the alert against having the citizens and taxpayers of the next generation revile their memories.

Those who govern, having much business on their hands, do not generally like to take the trouble of considering and carrying into execution new projects. The best public measures are therefore seldom adopted from previous wisdom, but forced by the occasion.—Autobiography of Benjamin Franklin.

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“Not Under The Mayor”

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There is no more complicating factor in Philadelphia's public affairs than the existence of governmental agencies supported by the city treasury but not "under" the city's chief executive.

“Under New Management”

City council recently passed over the Mayor's veto an ordinance giving control of that part of League Island Park west of Broad Street—the only part so far developed—to the Fairmount Park Commission. The incident has aroused a somewhat heated controversy, considering the fact that the dog days are upon us. On its surface the issue involves nothing but a dry interpretation of statutes, and, as is usually the case, all the contestants find legislative provisions which expressly and unequivocally support their positions.

One complication is that while it may be legal to give the custody of city parks to the Park Commission, this particular park has a bathing ground, and the charter places the care and supervision of bathing grounds in the Department of Public Welfare. If, therefore, the dispute goes to the courts, it may be that the decree will follow the precedent laid down in a celebrated case in which King Solomon sat as chancellor. The park may be cut in two, the Department of Public Welfare taking the bathing ground, and the Park Commission what remains.

An Administrative Tangle

From an administrative standpoint this solution would not be free from difficulty, especially in the matter of policing. The bathing ground would be policed by employes of the Welfare Department; the park, by park guards of the Commission; and at the edge of the park would begin the jurisdiction of the patrolmen of the Department of Public Safety. In addition, the services of the Department of Public Works may be needed in furnishing a supply of fresh water for the lake in which the bathers are to disport themselves.

The activities of the welfare, safety and works departments can be coordinated through their common head, the Mayor. Coordinating these departments with the Fairmount Park Commission is another matter. The Park Commission is one of those too numerous agencies in Philadelphia government which are "not under the Mayor," and herein may lie the true cause of the disagreement on the subject between the Mayor and Council.

Free and Independent

As a department not under the Mayor, the Park Commission has a number of privileges not enjoyed by departments which are under him. As it is free from civil service requirements, hiring may be lawfully done regardless of merit, and firing regardless of cause. The law does not prohibit either political activity on the part of the employes, or the exaction of political assessments from them. In its buying, the Commission is free from the city's purchasing agent and the procedure under which he works. The park police are under the Mayor's control only in case of emergency. Finally, the impression prevails, seemingly justified at times by the facts if not by the law, that all the taxpayers' representatives in the city government have to do with the Park Commission is to find the money with which it may perform its functions.

Too Bad

It is unfortunate that these things are true. Park administration no doubt demands a special technique which the Fairmount Park Commission through its many years of experience with large park areas has had splendid opportunity to acquire. Other things being equal, what would appear more appropriate than giving the custody of a large public park to an agency with such experience? Yet with the situation as it is,

Council cannot take such action without bringing down a storm of questioning as to whether its motive is to improve park administration or to increase the number of activities and employes not under the Mayor.

A Tendency

There is a noticeable trend in Philadelphia at this time toward magnifying the importance of departments not under the Mayor. One is reminded of the fable in which the fox demurred at entering the lion's den. "For," he observed, "all the footprints lead toward your cave, and none away from it." Many other properties have from time to time been given to the Park Commission, and not long ago the precedent was established of giving it control over the Roosevelt Boulevard, a glorified street, it is true, but nevertheless nothing but a city street. The City Commissioners are also classified as not under the Mayor, and large projects, such as the erection of the new Municipal Court building and the Victory Hall are being committed to them instead of to departments under the Mayor which are better equipped to do the work.

The Law of "Sufficient Rope"

One who takes a long-range view can afford to be philosophical about this matter. The tendency above noted is running directly counter to another tendency which may be operating more slowly, but which will surely prevail in the end. The Bullitt Bill in 1885 was a protest against decentralization in the city government. The charter of 1919 placed administrative responsibility still more definitely upon the chief executive, and the process will ultimately arrive at a successful termination. Meanwhile the strengthening of departments not under the Mayor may not be without compensation, for making them conspicuous will greatly improve the chances of their being brought under the Mayor.

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Who Represents YOU in Council?

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No. 532

August 3, 1922

When you vote, does your vote
count?

THE Ohio Court of Appeals for the district in which the City of Cleveland is situated, in a decision which the state Supreme Court is said to be extremely unlikely to overturn, has unanimously upheld the constitutionality of Cleveland's city-manager charter, discussed in CITIZENS' BUSINESS No. 496, (November 24, 1921), and especially the method it provides for electing councilmen.

Councilmen Can't Hide Their Virtues

Methods of electing councilmen will be of peculiar interest to Philadelphia within the next year because at the municipal election in 1923 successors will be chosen to the entire 21 members of our City Council. Four years of a small council have not only speeded up city business, but they have pilloried in the white sunlight all the characteristics, good and bad, which in the old, large two-chambered councils were buried in obscurity.

The responsibility for meeting Philadelphia's present needs and planning for her future, for giving her (or *not* giving her) rapid transit, good gas service, favorable gas rates, an ample water supply, good street paving, clean streets, regulated traffic, police and fire protection, playgrounds and bathing beaches, zoning protection against avaricious building—all of this used to be hidden among 145 councilmen. Now it is plainly displayed in 21 individual records.

Can We Do What We Want With Them?

At the municipal election of 1923, Philadelphia voters want the unquestioned ability to retain members whose public records they approve and displace those whose records they disapprove, without regard to their relations to political factions or to state and national politics. Everybody knows how much chance of that a voter ordinarily has. That makes it all the more interesting to observe how Cleveland voters propose to make their votes count under the new charter.

Who Deserves a Seat in Council?

"Proportional representation," as Cleveland's election system is called, is based on the principle that if 330,000 voters vote for 21 councilmen, anybody who can show that he is the preference of $1/21$ of the 330,000 voters is entitled to a seat in council.

It is a further principle of the advocates of proportional representation that each voter should have his vote count for *one candidate and only one*. If we lived in a pure democracy, each of us would sit in the council chamber and take part in the policy-determining we want done there. Since we live in a representative democracy it is the duty and privilege of each of us to find a *representative* worthy, or most nearly worthy, of expressing our point of view. If one of us tries to work things so as to secure *two* representatives, he is loading the dice; and if he is allowed to have his ballot counted for as many candidates as there are seats to be filled, then the largest organized group of voters usually will elect its entire slate, leaving the rest of the voters entirely without representation. Then the government is not similar to a democracy at all, but to a monarchy, with the largest organized group of voters as monarch. Majority rule should apply when council makes a decision; but not in electing the body which makes the decision.

How "P. R." Works

The advocate of proportional representation proposes to get back to the basis of democracy by placing names of candidates on the ballot by petition and inviting each voter to mark them *in the order of his preference*.

When the votes are counted, there is first determined the "quota," or proportion of ballots necessary to elect a candidate. Any candidate with that many votes is immediately recognized as elected. If he has more than the required "quota," his ballots in excess of the quota are transferred to the candidates whom the voters marked as their second choices.

When all the surpluses are transferred, if by then the full number of successful candidates has not been chosen, a beginning is made at the other end

of the list. The low candidates are dropped, in order, and their ballots transferred, according to the second and other choices marked on them, to the others still in the running, until the required number of successful candidates is determined.

Reclaiming "Waste Votes"

Proportional representation is advocated because it insures voters against wasting their ballots. If an overwhelming number of votes is cast for a popular candidate, no vote is lost, because the ballots not needed to elect him are counted for the second or third or subsequent choices expressed on them. The element of chance involved in selecting certain ballots, rather than certain other ballots, for transfer, has been calculated to be something less than 1 per cent, and it may be eliminated entirely. Nor need anyone be deterred from voting his honest preference for fear that by so doing he will be dividing the strength of the opposition to a candidate he wishes particularly to defeat. He can mark his second choice so his ballot will go to a third candidate whom he will accept in case the weaker candidate who is his preference cannot be elected.

Tried and Worked

Proportional representation is in use satisfactorily in Sacramento, Ashtabula, West Hartford, Conn., and Boulder, Col. Its use in the recent Irish elections brought from the *Irish Times* the judgment:

"The proportional system has shown that it can defeat all attempts, save those imposed by physical force, to suppress public opinion. Further, it not only reveals the mind of the people on the main political issues of the day, but it throws valuable light on the attitude of sectional interests toward those main issues."

While proportional representation is not yet sufficiently known throughout the United States to have won wide popular enthusiasm, its successes have been of a character to earn attention. Cleveland's experience may be of particular interest to Philadelphians.

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Prophets and Their Grandsons

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No. 533

August 10, 1922

Are true prophets any more plentiful now than
when our state constitution was drafted two genera-
tions ago?

THOSE who assume to diagnose and prescribe for public maladies will find wholesome food for reflection in the debates of the convention which framed Pennsylvania's constitution of 1874. For one thing, it is disconcerting to find that many propositions whose obvious truth seems to make their general acceptance a mere matter of time, and a short time at that, were being urged fifty years ago with all the arguments that can be marshalled in their favor today. Equally disquieting is the discovery that the proportion of those who can anticipate public views and needs a half century in advance, even with the solemn responsibility of constitution making upon them, is shockingly small.

The "Theorists" of 1874

To take just a few of the examples which might be cited, there were delegates who wanted the constitution to make medical and surgical skill a qualification for holding the office of coroner; who voiced skepticism as to the usefulness of most of the activities of the grand jury; who advocated the abolition of capital punishment. These are subjects on which modern opinion is beginning to side definitely with the lonesome prophets of that convention, but how painfully slow is the process! Certainly there is a lesson here for impatient souls who are in a hurry to "save the country."

A Vindicated Heretic

Consider also the discernment of the man who flew in the face of prevailing ideas of democracy by arguing for appointment instead of popular election of magistrates. "A wise discretion," he declared, "would seem to require the isolation of judicial functions from the influence of political passions, and the complexity of large municipalities brings so many candidates before the people that it becomes impossible for the average voter always to exercise a careful discrimination."

Shackles for the Legislature

The convention was called primarily because of the orgy of local, special, and private legislation in which the legislature had been indulging. In seven years, less than five hundred laws of general application had been passed, and almost nine thousand of a local and special nature; and it was alleged that the latter could be bought. The convention accordingly framed sweeping limitations upon the legislature's power. On the whole, the results have probably been beneficial, but there are many instances in which much needed legislation is forbidden. This is notably true in Philadelphia where twenty years before the constitution a local and special law had wisely consolidated the city and county. To the inability of the legislature to amend and modernize this act of consolidation may be traced many of Philadelphia's most serious problems in recent years.

Slightly Ironical

There were those in the convention who believed that the restrictions upon the legislative power were too drastic. One member thought it a "difficult and grave question, which ought to engage our consideration, whether in the future some ingenious mechanic may not devise a wooden mechanism that may perform all the functions of the legislature and save the commonwealth all the expense and inconvenience that attends its existence." This man, however, was hardly a prophet—at least not one of major rank—for he also doubted whether, under the constitution, "any corporation can survive in the State of Pennsylvania."

An Important Issue Decided

One of the most interesting sections in the debate is that devoted to woman's suffrage. Here is a matter upon which it is possible to separate with precision the false prophets from the true, for who can doubt that this issue has now been settled once and for all? Important, however, as the subject

was, and close as it was to final solution, we find the great majority of delegates entirely oblivious of the trend of events. It can scarcely be contended either, that the evidence was incomplete, for it is a surprising fact that all the arguments which any one in this day and generation has heard on the subject, were propounded on the floor of the convention.

This One Deserves 100 Per Cent

One delegate called attention to the fact that when the constitution of 1838 was in the making, the proposal to drop the word "white" in the section which defined the qualifications of voters had been greeted with ridicule and contempt. The word "white" was still in the constitution, but a higher power had determined that it was to be inoperative. He predicted the same fate for the word "male" if the convention insisted upon using it. Perhaps there never was a neater bit of prophecy. The prophet, however, received the usual reward. The word "male" went into the constitution over his protest, and now that it is too late for him to say "I told you so," the word is still in the state's fundamental law, but the nineteenth amendment to the federal constitution has nullified it.

But Zero For This One

Not so accurate in his forecasting was the member who found female suffrage physically out of the question, considering the styles of women's garments, and the area of the average polling place. "How," he demanded to know, "could a lady with her train, in a crowd, get to the election window? It might be trampled upon by fifteen men, one behind the other." If this man thought his objection would be equally valid, say in the year 1922, we know now that of all prophets he was one of the most false.

* * * * *

One wonders if fifty years hence so few of us will stand out upon the record as having been the men of vision in our day.

CITIZENS' BUSINESS

BUREAU OF MUNICIPAL RESEARCH

ISSUED WEEKLY AT 805 FRANKLIN BANK BUILDING
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The Mayor and the Civil Service Commission

University of Illinois Library
Urbana,
Illinois.

No. 534

August 17, 1922

Some knotty questions have been involved in the recent controversy between the Mayor and the Civil Service Commission.

ONCE more the slumbering embers of controversy on civil service matters have been blown into a blaze. The Mayor has taken another fling at the Civil Service Commission, and that body has reciprocated with a cautious reply. On this occasion the tilt was over some recent rulings of the Commission in its capacity as a trial board.

The Mayor's Indictment

In a letter to the Secretary of the Commission, the Mayor charged that discipline and authority were being disturbed in the Department of Public Safety by the Commission's reinstatement of "dozens of unworthy employees." These men, the Mayor declared, not only had been dismissed by the Department, but their dismissal had been approved by the Commission. Their restoration, moreover, had not been requested by the Department. The Mayor also took exception to the Commission's refusal to honor the charges of the Department of Public Welfare against an employe in the House of Correction, the Commission having held the reasons for the proposed dismissal to be "vague, indefinite, and lacking in specifications."

The Reply of the Commission

When the Commission made public reply to the Mayor's criticisms, it pointed out that since the beginning of 1920 there had been twelve reinstatements in the departments and bureaus under civil service, exclusive of the uniformed police and fire forces, and that all of these reinstatements had been made upon the request of the various department heads; that thirty-nine policemen and firemen had been restored at the request of the police and fire officials; and that twenty-six discharged men had been "restored to jobs in the Police and Fire Bureaus by action of the Commission on petition of the employe for rehearing."

Who Was Right?

While these two statements are informing, they hardly enable the reader to determine the merits of the controversy. That reinstatements have been made without the request of the Department of Public Safety, appears to be admitted; but whether they were improper remains quite uncertain. Presumably no discharged employe ought to be reinstated unless it is found that he was unjustly separated from the service. If he was unjustly separated, it would seem that he ought to be reinstated whether a request is made by the department head or not. The Commission feels that the restoration of the policemen and firemen of which the Mayor complains was only an act of justice to the employes. Perhaps it was; at any rate, without a careful examination of the evidence presented in the trials, no one can say that it was not an act of justice.

As to Discipline and Morale

We should also be on guard not to conclude too hastily that failure of the trial board to comply with the wishes of the department head necessarily undermines discipline and morale in the service. The reason for having a trial board is that the department head, as the accuser, may sometimes be unfair in judging of the gravity of the offense with which the employe has been charged, and therefore an outside body not a party to the controversy should pass upon the accusations. If the trial board always sustained the department head its whole performance might well be regarded as a farce; and the effect upon the morale of employes would certainly be deadening. On the other hand, if the board conscientiously endeavors to do justice to all concerned, its decisions are bound at times to go contrary to the wishes of the superior official. As for the effect of such decisions on respect for authority, it is probably safe to assume that so long as the real offenders are punished the authority of

those who are in command will continue to be accorded all due respect.

A Word of Caution

The specific question in dispute, however, is a little more difficult. Should the Commission, in its capacity as a trial board, reopen a case, once it has decided to dismiss the accused employe? If the original trial did not bring out all the pertinent facts in reference to the charges, a new trial would seem to be in order. It is better for the employe to receive justice tardily than not to receive it at all. But certainly these rehearings ought not to be necessary in many cases, for at best they reflect upon the thoroughness of the original hearings. In the absence of satisfactory standards, it would be difficult to say that an excessive number of second trials has been held, but obviously the Commission would do well to avoid the necessity for such trials.

Complete Exoneration on this Count

On the second count in the Mayor's indictment, the Commission should be completely exonerated. The Department of Public Welfare, like all other branches of the service except the uniformed police and fire forces, is not subject to the jurisdiction of the trial board, the law requiring only that the appointing officer shall furnish the employe about to be removed with a written statement of the reasons for removal and that the accused person be allowed to make a written reply. It has been held by the State Supreme Court, however, that the reasons for removal must be specific, not merely vague and general. In requiring a more specific statement of the reasons for the proposed removal of the employe in the Department of Public Welfare, the Commission was merely acting in accordance with the ruling of the Court. Since then, moreover, that department has furnished the Commission with a more specific statement and the accused employe has been separated from the service.

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Underground Work In Chestnut Street

University of Illinois Library,
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Illinois.

No. 535

August 24, 1922

The dispute over the laying of a conduit in Chestnut Street, between two commercial organizations—like other disputes of the same character—brings to light questions regarding the protection of the public's interests.

What the Excitement is About

The controversy raised by the tearing up of Chestnut Street has been well aired in the newspapers. The circumstances need be only briefly recalled: A councilmanic ordinance granting a telegraph company the right to lay a conduit in Chestnut Street from Third to Fifteenth, and in other specified streets, drew a strong protest from the association of Chestnut Street merchants, resulting in a promise that the work in Chestnut Street would be completed by September 15, and that a letter confirming this, to be written by the telegraph company, would be made a part of the journal of Council. This letter, however, was never written.

Conflicting Claims

In some details the merits of the controversy are not obvious. The telegraph company asserts, with considerable appeal to reason, that the promise to complete the work by September 15 was predicated on their ability to start work at once; that the delay of two weeks caused by the Mayor's veto, and a further delay of several days in obtaining the permit from the Bureau of Highways owing to the renewed protest of the Chestnut Street merchants, are contingencies that entitle them to a corresponding extension of time. The Chestnut Street merchants counter with the statement that the telegraph company violated the agreement to embody the original time limit in a letter, and is therefore entitled to no extension of time.

There is also some doubt as to what was covered by the original promise to complete the work by September 15. The telegraph company contends that this was meant to apply only to the stretch between Tenth and Fifteenth Streets, as it has not at any time been their intention to proceed farther east on Chestnut Street this year. The Chestnut Street merchants apparently had no clear view on this point. Meanwhile the work is actually pro-

ceeding at a rate which would indicate its completion by October 10—the limit placed by the permit to open the street.* With such points left in obscurity, there are some things to indicate that not all of the underground work in Chestnut Street is of a mechanical nature.

What are the City's Interests?

While obviously the concern of the protesting merchants is a private and commercial one, nevertheless the whole controversy has implications, from the public's point of view, which should have had greater attention before the ordinance was originally passed.

Perhaps the most important objection made by the Mayor in his veto is to the fact that the telegraph company pays no rental to the city for the use of the street. While the city *may* impose future rentals, nevertheless such rentals have not yet been imposed, nor is there any assurance that Council will impose such rentals. To the extent that the company gains by the delay or failure to impose equitable rentals the city is the loser.

There is also the question whether in effect the present ordinance gives the telegraph company practically a monopoly. He would be a rash prophet who would predict that after the present rumpus any other public utility company could obtain permission to tear up the other side of Chestnut Street for the purpose of installing conduits.

The case in point is an object-lesson of the need for comprehensive city planning—which contemplates not merely visible things like streets and parks, but also the substructural needs of the city. With real city planning, we might have built, or be building, in Chestnut Street a conduit that would care for the needs not only of one telegraph company, but of all telegraph companies and like utilities.

*As this goes to press, the work has been halted by order of the Mayor, on technical grounds.

Why Chestnut Street?

An entirely distinct phase of the controversy is the question why the city's leading retail thoroughfare, Chestnut Street, was selected in preference to some other street, such as Sansom Street. The telegraph company asserts (1) that because of the location of their several offices to be served by the conduit, the Chestnut Street route requires considerably less construction and is therefore much cheaper, and (2) that the congestion of existing wires and pipes under Sansom Street would make the Sansom Street route tremendously expensive, or even impracticable. On the other hand, the Chestnut Street merchants assert (1) that the Sansom Street route is entirely feasible, and (2) that the feature of monopoly on Chestnut Street is the real, underlying motive. The difficulty from the public's point of view is that neither the Chestnut Street merchants nor the telegraph company present evidence to support these claims, and that the persons who could give valuable testimony on this point are outsiders who have no desire to become involved in the controversy.

Who Wins?

At the present writing the contest has settled down to a pretty race between the telegraph company and the Chestnut Street merchants—the former endeavoring by the use of day and night shifts to carry the construction as far as possible before the protesting merchants discover any legal means which may exist for stopping the work.

With the situation as it is, radical developments may occur before this statement can be printed, and no prediction can be made as to who will win. It is perfectly evident, however, that as usual the public will lose—not merely the rentals for a time, or for all time, on the conduit now being laid, but also the rentals that might have been collected if a conduit had been constructed in the interest of the public instead of in the interest of one company.

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A Strain on Civic Credulity

University of Illinois Library,
Urbana,
Illinois.

No. 536

August 31, 1922

One important constitutional amendment is to be voted on in November. Others that are proposed indicate that some people expect voters all over Pennsylvania to give time and energy to local sectional matters entirely outside their knowledge or concern.

THE Citizen is turning from the Sporting Page to the Back Page and the Financial Column. En route, among the boarding-school announcements and the vacation lures, his eye falls on an advertisement headed "Constitutional Amendments."

"Fine summer reading," says the Citizen. "Let's see what my civic duties are."

One Important Amendment

The first proposal, barricaded against the eyes of the curious by twelve lines of solid, small capitals, is about the amendment which, if adopted, will give home rule to Pennsylvania cities. If the Citizen has read **CITIZENS' BUSINESS** regularly,* he is aware of the extreme importance of this proposal. The advertisement tells him that the amendment has passed the ordeal of two legislatures (spending three years in the process) and will be on the ballot for his approval or disapproval at the November election. Other important proposals, if there were any, he gathers did not survive the ordeal of two legislatures, to which a third of all the constitutional amendments in Pennsylvania, both good and bad, for the past twenty years, have fallen victim.

Trading in Futures

The rest of the advertisement, the Citizen finds, apparently relates to proposed amendments on which he is not asked to vote at this year's election. They are published "in pursuance of the constitution." They have been passed by one legislature, and now they must be published prior to the election of the next legislature, on the theory that a popular difference of opinion over a proposed amendment may be made an issue in the election of representatives.

***CITIZENS' BUSINESS** No. 493, November 3, 1921.

There are seven of them:

- (1) An amendment to permit railway companies to give passes to clergymen.
- (2) An amendment to permit a \$35,000,000 bond issue to pay a state soldiers' bonus.
- (3) An amendment to permit a \$100,000,000 bond issue for highway improvement.
- (4) An amendment to permit exemption from taxes, of property owned or used by posts of war veterans.
- (5) An amendment to permit graded and progressive taxes, with exemptions in case of inheritance and income taxes.
- (6) An amendment to authorize classification of municipalities for purposes of legislation.
- (7) An amendment to permit the re-election of sheriffs in counties of less than 50,000 inhabitants.

Sheriff Can't Find Another Job?

Can you beat that last one? The Honorable, the Sheriff of Union County, or some other county, evidently is about to be out of a job, and so on November 7, the 9,000,000 of us who live in Pennsylvania, speaking through perhaps 3,500,000 voters, are expected to go to the polls and vote for or against our legislative candidates on the basis of whether we favor re-electing sheriffs in counties of less than 50,000!

There are 27 such counties in the state. Taken altogether, they have a smaller population than 10 of the 48 wards in Philadelphia. Their people live under entirely different conditions. What do the 2,000,000

people of Philadelphia know intimately of the conditions in any of these 27 counties? How can a Philadelphia citizen judge whether it is proper for a sheriff in Adams County, or Forest County, or Pike County, to be elected to succeed himself? Is it not ridiculous to expect him to decide the question?

Political Theory, 1873

Yet, soberly, we expect him not only to decide the question (without voting on it) but to express his decision by voting for or against some candidate for the legislature! How many Philadelphia candidates for the legislature ever heard of the question? If there were one so eccentric, what voter would waste his ballot by casting it for or against a candidate on *that* issue? There are far more urgent issues before the voter. Even among the seven advertised proposals, there are some far more worthy of a place as a campaign issue. Certainly all of these cannot be the main issue at once: Can *any one* of them at this date be made a main issue?

Isn't It Foolish?

Is there any process of constitutional amendment which could be more wildly theoretical or more completely at variance with practical conditions and possibilities?

Or, is there any more pat illustration of the kind of stuff that ought never to go into state constitutions? Here is a conspicuous instance of the inability of city dwellers to pass intelligently on the local needs of rural counties. In every legislative session there are instances of the equal folly of asking the representatives from rural counties to pass intelligently upon the local needs of cities. Each should settle its own structural problems at home.

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Budgets and Budgets

University of Illinois Library,
Urbana,
Illinois.

Vol. 537

September 7, 1922

The failure of a bit of remedial legislation or improved administrative procedure is a deterrent to the cause of progress and an aid and comfort to the pullbacks.

PUBLIC - SPIRITED Americans fight valiantly for a cause until a statute is passed or a constitutional amendment adopted. Then, with characteristic naïveté the victory is considered won and the enthusiasts turn to other objects for their zeal or they feel justified in taking a moral holiday. Our national and local histories are full of instances—a number of which are not so far back in history either.

The inevitable result of this simple faith in legislation is the ever-increasing grist of laws, but not always with the anticipated outcome.

E. g., The Budget

A case in point is the agitation for the adoption of the budget principle in conducting our governmental affairs. Beginning about half a generation ago, the movement for budgetary reform spread from the economists and publicists to business and professional groups, and finally even to the politicians. Hardly a man in public life today anywhere utters opposition to the budget idea. Even notorious log-rollers in our legislative bodies are loud in their insistence on the need of a business-like method in handling our public finances.

The Rapid Spread of the Idea

City after city has adopted some form of budget procedure—usually some variation of the so-called “executive” budget. So also have the states—forty-six of the forty-eight now having budget legislation of one kind or another on their statute books.

The federal government, under an Act of Congress approved June 10, 1921, joined the procession, and this was everywhere hailed with approval.

Philadelphia, Too

When citizens' groups took steps to amend Philadelphia's charter, the budget

was one of the major items on the program and although there were fierce clashes on the technique to be adopted, there was fairly general agreement on the principle itself. As a result, an important chapter of the new charter of June 25, 1919, deals with the city's budget.

Not Automatic

As we have pointed out before in various issues of CITIZENS' BUSINESS, the mere passage of the act did not secure for Philadelphia a real budget. Laws, being but human creations, are not usually automatic any more than they are foolproof, infallible, or invariably just. A budget procedure depends for its success and usefulness upon the human beings charged with its application. In Philadelphia, the spirit and purpose of our budget law have not thus far been carried out. Without going into the whys and wherefores, real and alleged, suffice it to say that the budget contemplated by the new charter has not yet been put to the test.

And in the Nation

The well-nigh universal acclaim of the federal budget act of 1921 has hardly died out when expressions of disappointment begin to be heard. Of course, some of these may be partisan in origin and motive, but there still remains a large residue of criticism of the budget and accounting machinery set up a year ago and assumed then to mark the end of waste and mismanagement in the national government.

Why Apropos?

When a technically sound administrative policy fails, the failure is usually due to the personal equation. But the man in the street is not and cannot be analytical in these matters. He simply knows that the

thing fails. So the incomplete achievement or the utter failure of an important reform in the manner of conducting public business discourages even the strong protagonists of more serviceable and more economical government. And it gives the cynics and those who thrive on public mismanagement abundant ammunition to use against the next proposal for a step forward.

Pennsylvania needs a budget system. Everyone is for it. Concrete proposals have been drafted and the way seems clear. But a real budget system, intelligently and conscientiously applied, will mean the end of many loose methods that have wasted taxpayers' money in the past, and for that very reason the budget idea has powerful—though not now open—enemies.

'Ware the Tempter!

It is important, therefore, that the red herring of real or alleged failures of other budget systems be kept off the trail. The times are auspicious for the adoption by this Commonwealth of a budget policy that will be not only an instrument for better management of the state's affairs, but a genuine contribution to the solution of the difficult problems of public finance.

OLD ISSUES

Continuous requests come to us for former issues of CITIZENS' BUSINESS. Our supply of the following issues is exhausted:

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We shall greatly appreciate it if you will send us any copies that you may not care to keep.

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Can Councilmanic Loans Become Electoral Loans?

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Urbana, SEP 15 1922
Illinois.

No. 538

September 14, 1922

The city charter contains no provision for converting councilmanic loans into electoral loans. Furthermore, such a provision would probably be unconstitutional and therefore ineffective.

A Proposal Now Before Council

The introduction in City Council on September 7 of an ordinance whose object is reported to be to increase the councilmanic borrowing capacity by about \$66,000,000, by having the electors convert "councilmanic loans" of that amount into "electoral loans," brings to the fore several interesting questions.

First, there is the question as to whether the councilmanic borrowing capacity can be increased in the manner proposed. Then there are questions as to the advantages and disadvantages of giving City Council power to borrow money or otherwise incur debt when there would be no opportunity for the citizens to express approval or disapproval of a given proposal.

Is It Legal?

The matter of the legality of the contemplated step takes precedence, for the present at least, over all questions as to whether or not it would be good public policy to give City Council the additional power which the proponents of the ordinance have in mind.

The controlling point at issue is this: Can debt which has been incurred without the *prior* assent of the electors be removed as a charge or encumbrance against the amount of debt which City Council has power to incur without first obtaining the approval of the electors?

If the answer is in the negative, as it seems to be, nothing that either Council or the electors may do can possibly increase the councilmanic borrowing capacity through a popular vote on existing debt. But if councilmanic debt can be converted into electoral debt there is still the question as to whether the transmutation can be effected by the process under consideration.

Charter Provisions

It appears that the only ray of light which the proponents of the ordinance have for urging the contemplated step radiates from certain words

in section 3 of article 18 of the new city charter. These words are pointed to as "possibly" furnishing legal authority for the conversion. It seems to be freely conceded, however, that this conversion could not be brought about if the words in question were not in the charter.

The words upon which the proponents of the ordinance rest their case merely make plain that, in order to conserve an existing councilmanic borrowing capacity, "the council may, in its discretion, submit to the electors for their consent, at a public election, the *proposal* contained in any ordinance *authorizing new debt to be incurred or an increase of indebtedness.*" This is accomplished by securing the assent of the electors to a debt *before* it is created, thus precluding its ever being counted as councilmanic debt.

This view is confirmed by succeeding provisions of the same article, notably by section 4. In this section provision is clearly made for obtaining the assent of the electors to two distinct kinds of proposed debt: debt to which such assent is required; and debt to which such assent, though not required, is desired by Council in order to conserve its borrowing capacity.

A View of the Charter Drafting Committee

The fact of the matter is that nothing was inserted in the charter for the purpose of making it possible to convert councilmanic debt into electoral debt. Those who drafted the article in which the words in question appear discussed at great length the constitutionality of making such a conversion, and came unanimously to the conclusion that no statutory provision of any kind could make councilmanic debt anything but councilmanic debt.

Constitutional Limits

The Supreme Court of the state has ruled several times that the constitution sets a determinable limit on the amount of debt which a city or other municipality *can create without first*

having secured the direct assent of the electors at a public election.

To say what the constitution means is not within the province of the legislature, nor may that body make laws in conflict with the organic law. The Supreme Court is the final interpreter of the constitution.

Controlling Decisions

In its interpretations of the constitutional provisions relating to municipal debt, the Supreme Court has emphatically ruled that ratification by the electors of a debt created without their assent does not remove such debt as a charge or encumbrance against the municipality's power to incur debt without the prior assent of the electors. In other words, such a ratification does not in any way restore or increase the councilmanic borrowing capacity. The court has even gone so far as to say that bonds issued with the prior assent of the electors, but issued to fund or refund a debt that was created without their assent, are, in effect, merely a continuation or change in form of the old debt and that they must, therefore, be computed as though issued without the assent of the electors.*

Not Much Hope

How, then, can it be expected that where there is not even a change in its terms or form, a debt can be taken off the councilmanic list through mere ratification by the electors?

* * * * *

The question of public policy involved—whether City Council ought to have the power to renew its borrowing capacity by means of electoral assumption of debt already created—is for the present largely academic. As has been shown, it would probably require constitutional change to make this possible. There will be plenty of time to go into the pros and cons when the amendments are proposed.

* *Schuldice v. Pittsburgh*, 251 Pa. 28.

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What is Fair Pay for Special Privileges?

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No. 539

September 21, 1922

The city should be compensated for the use of city streets for private purposes not only because it is just, but also because it is a fair source of revenue. But the charges should be worked out equitably, comprehensively, and in the light of the best experience.

The Question Arises

A number of recent councilmanic ordinances giving private parties the right to build bridges, tunnels and like structures over, in, or under city streets have been consistently vetoed by the Mayor, because no provision was made to compensate the city for the privileges granted. These ordinances have been quite as consistently passed over the Mayor's veto.

Insistently the Mayor has called attention to an ordinance introduced in Council November 16, 1920, providing a schedule of charges for structures of the kind under consideration. This ordinance, however, did not find favor in the eyes of Council and still rests in committee. Recently, however, two ordinances have been introduced (to be considered together) approaching the solution of the problem from quite a different angle.

The Need for a Solution

According to the Bureau of the Census, the revenue derived in 1919 from what are called minor highway privileges amounted in Chicago to \$494,151, in New York to \$183,711, in Baltimore to \$62,407, in Boston to \$31,674, in Pittsburgh to \$19,027, but in Philadelphia to only \$5,758.

The matter is therefore important not merely because those who obtain special privileges should pay for them, but also because if this is done it will furnish an increased revenue to the city.

Two Courses Proposed

The differences between the pending ordinances (which may be called the original ordinance and the substitute ordinances) are worthy of examination. The original ordinance provides for obtaining a ten-year permit for private bridges, vaults, tunnels, conduits, pipes, and railroad sidings, and a fixed schedule of annual charges for such

privileges. It also lays down a number of regulations, including the filing of a bond to indemnify the city against all liability and damage.

Between this and the substitute ordinances the underlying difference is that the latter propose an enabling ordinance by Council in each instance of a private structure over, in, or under a city street, instead of merely a permit by the Board of Highway Supervisors, compensation in a lump sum to be fixed in each case instead of an annual charge determined by a fixed schedule. The other conditions are substantially similar to those in the original ordinance except that the permit may run for not more than twenty years instead of ten, and that no bond is required. In the second of the substitute ordinances, which is supplementary to the first, provision is made for lump charges for structures authorized within the last two years. Nowhere, however, is there any clue to the basis of charges that shall prevail, all amounts being left blank to be filled in in committee.

Comparative Merits of the Two Proposals

As between them, the original ordinance at least offers a definite basis of solution; the substitute merely holds out the promise of future solution piecemeal. There is no tangible basis of hope in the substitute ordinances that the charges will be worked out on an equitable basis.

There should be a definite guaranty that rates for comparable privileges will be substantially uniform. A prescribed method of computing charges which takes into account similarities and dissimilarities of service is more likely to prove equitable than the ungoverned fixing of compensation in individual cases.

Defects Common to Both Proposals

Neither proposal is specifically retroactive. It is extremely doubtful whether the original ordinance applies to any existing grant, while the supplementary substitute ordinance covers only certain classes of minor highway privileges

granted within the last two years. There are scores of grants in these and other classes that have been in effect for longer periods. It is possible, of course, that no ordinance can be made satisfactory in this respect. Only the courts can say whether the municipal legislature, freely giving away valuable privileges, has not lost the right now to fix suitable compensation. But if this right still exists it should be exercised.

Furthermore, neither proposal is sufficiently inclusive. Each is intended to cover only private bridges, vaults, tunnels, conduits, pipes and railroad sidings. No mention is made of merchandise stands, awnings, signs, bay or show windows, space for storing building or other materials, and other minor highway privileges. If Council is in the mood to tackle the problem, it might as well tackle the whole problem.

What Is a Fair Basis of Charge?

It is possible to accept the principle of a fixed schedule without endorsing the schedule in the original ordinance. On the other hand, it would be defensible to adopt the practice of fixing the compensation in each individual case, provided the ordinance stipulates the basis on which the charge is to be computed. In either case, Council has yet to solve the question of what is a fair basis for fixing charges for each class of minor highway privileges, keeping in mind the fact that in any one class compensation should be arranged to meet a wide variety of circumstances.

A cursory examination indicates a lack of adequate available information as to the practice in other cities. There is evidence, however, that in many cases the compensation for the privileged structure bears relation to the value of the abutting property.

This lack of information suggests that before either of the pending proposals is adopted a careful study should be made of the practice in other cities, in order to benefit from their experience and to adopt here a plan that combines the best features of all.

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Federating the Welfare Work of the City

University of Illinois Library
Urbana,
Illinois.

No. 540

September 28, 1922

Federating welfare work means more than raising money. It involves a tremendous task of co-ordination, and of raising work standards to a higher degree of efficiency—a task which the Welfare Federation has approached through its Council of Social Agencies.

What is Federation?

The popular conception of the Welfare Federation is that of a money-raising organization. While it may be the primary object of the Federation to provide its member-agencies with the necessary funds for their work, the Federation has another purpose which perhaps is not as well understood.

This important function is to devise and consider principles, plans, and methods of social welfare in order to enable the welfare agencies of all classes most effectively and fully to serve the needs of the community.

The Council of Social Agencies

Whereas the financing work of the Federation is primarily a business proposition, in recognition of which the Board of Trustees of the Federation is composed largely of representative business men, the second function of the Federation demands the services of trained social workers. Taking this into account, the organizers of the Welfare Federation wisely provided for a Council of Social Agencies—a group consisting of two delegates from each welfare agency in the organization, one being the chief executive and one a member of the governing board of the agency. To this Council, consisting of about 250 members, are entrusted duties and responsibilities which, if competently discharged, must inevitably have a greater influence on the effectiveness of the city's welfare work than any other single factor.

Scope of the Council's Work

Briefly, the function of the Council of Social Agencies is to bring about cooperation among all forces for human welfare in the city. This statement, however, requires elaboration to give it its full significance. More specifically, it is the function of the Council to develop better understand-

ing among the organizations and individuals engaged in welfare work; to devise and recommend programs for joint action of the member-agencies; to define spheres of operation with a view to better coordination and the prevention of overlapping in the work of the several agencies; to advise in the undertaking of new work by existing agencies or in the formation of new agencies; to suggest unoccupied fields of social work as discovered in the evolution of the community life; and to promote the adoption of higher standards of practice in social work.

In addition to this, the Council is given the responsibility of nominating one-fifth of the twenty representatives elected each year by the financial contributors, the representatives, in turn, electing the Board of Trustees of the Federation.

Departmental Divisions of the Council

With so large a number of delegates in its membership, and with so great and varied a field of welfare activity to consider, the Council of Social Agencies, in order to reduce its problems to simpler terms, conducts much of its work through departmental groups. There are at present six such groups consisting of (1) children's agencies, (2) community organizations, (3) educational organizations, (4) family welfare and rehabilitation agencies, (5) hospital and health agencies, and (6) protective agencies. Each of these groups includes delegates from those member-agencies in the Federation whose work is allied in its character with that of the other agencies represented in the group, the purpose being that each department shall bring about unified thought and action on such functions as are common to the organizations in the department.

Functional Activities

An entirely different approach to the problems of the Council has to do with specialized

functions common to all welfare organizations without regard to the fields of social work in which they are engaged. To deal adequately and cooperatively with these problems, the Council of Social Agencies provides a number of standing committees including in their membership not only representatives from member-agencies but also others who have special training and wide experience in the kinds of work which these committees have to consider. In this manner there have been brought together special groups to consider such subjects as administrative methods of agencies; accounting methods, with special reference to the preparation of budgets; purchasing of materials and supplies, to consider the best methods of securing economy in the purchase of the vast amount of materials and supplies which are annually required by the 125 organizations in the Federation; organization publicity, to devise methods of presenting the work of the agencies to the public so that the latter may judge the manner in which the welfare agencies of the city are fulfilling the purposes for which they exist.

An Estimate of the Future

It will readily be appreciated that with so vast a task facing it the Council of Social Agencies has done well to analyze within its first year the elements composing this task—to find itself, in other words—and to provide for the division of its work into parts that can readily be approached as units. With this fortunate beginning, and with a plan of operation so well worked out, it may confidently be expected that the member-agencies of the Federation will gradually be knit into a unified force that will not only conserve to the greatest extent the funds contributed to the Federation, but that will also produce through effective methods of work the utmost results that can be obtained from the Federation's resources.

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Worse and Worse

University of Illinois Librarian
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No. 541

October 5, 1922

Recent developments in connection with the proposed new Municipal Court building deepen the obscurity which surrounds Philadelphia's city-county relations.

MANY citizens who thought they knew something about the scheme of government in Philadelphia have lately been scratching their heads in bewilderment. Their obfuscation is due to developments in city-county relations since the decision last spring by one of our courts of common pleas of the case of *Kneass v. Philadelphia*.*

C. P. Scrutinizes M. C. Plans

This, it will be recalled, was a taxpayers' suit to test the validity of certain steps that were being taken toward the planning and erection of the proposed new Municipal Court building at 21st and Race Streets. The court held that under the Act of April 19, 1895, P. L. 38, its approval of the plans and specifications was necessary before the City Commissioners could proceed with the construction. Recently several public hearings have been held at which the court has sought enlightenment from citizens and officials as to whether approval of the plans which have been drawn ought to be granted or withheld.

Something New

One of the objections presented to the court was that the project involves an expenditure of money which the people of Philadelphia can ill afford in view of other pressing needs in the near future, and at latest reports the court was giving its attention to the financial condition of the city. Apparently no question of *legality* is raised. In this proceeding, therefore, Philadelphia is witnessing the novel spectacle of judicial inquiry into the *wisdom* of spending money for a purpose for which City Council, acting within its legal powers, has appropriated it.

Was Act of 1895 Intended to Apply?

The incongruity of this situation suggests that the Act of 1895 may not have been intended to apply to Philadelphia County. In the typical county

*1 D. & C. 371.

government, which usually serves a rural community, it is common for a judge to stand in somewhat the same relation to the county's legislative body, the county commissioners, as the mayor of a city bears to the city council. It is to this kind of county government that the Act of 1895 seems adapted when it gives judges a veto on plans for court houses, jails, and other county buildings which are to be erected by the county commissioners. Doubts as to the applicability of the act to Philadelphia are grounded on the fact that not since the Act of February 2, 1854, P. L. 21, has Philadelphia had the typical form of county government.

The Act of Consolidation

This act, known as the Act of Consolidation, worked drastic changes in the government of Philadelphia County. Among other things, it abolished the County Commissioners, and conferred their powers on City Councils and officers of the city government. City Commissioners were created, whose duties were similar to those performed by the "superseded County Commissioners," except that they were to be performed *"under the direction and control of the City Councils."*

A Principle of Interpretation

The Act of Consolidation was a local law. Because of a well known principle of interpretation which has been enunciated frequently by our Supreme Court, it rarely happens that a local law is repealed by implication by a general law even though the two contain conflicting provisions. As a rule, in the absence of specific repeal of the local law, the general law simply does not apply where the local law is in effect. Hence the doubt as to whether a general law like that of 1895, which seems to throw upon judges the burden of determining the financial policy of the county, applies in Philadelphia where the Act of Consolidation has to such an extent centered the responsibility for the county's fiscal policy in the Mayor and the City Councilmen.

Another Surprise

The application of the Act of 1895 to Philadelphia is not the only strange note which has been struck in connection with the new Municipal Court building. It is now stated that although parts of the system of county government established by the Act of Consolidation are still effective—witness the yearly tax levies by City Council for city *and county* purposes—other parts have ceased to be effective, particularly the part which subjected the City Commissioners to the direction and control of City Councils. In fact, it is a fair construction of *Kneass v. Philadelphia* that the relation of the City Commissioners to the City Council has been completely reversed, and that, so far as raising money for county purposes is concerned, City Council is now subject to the direction and control of the City Commissioners.

Time to Clean Up

The processes by which this transformation has been accomplished—if it has been accomplished—have never been satisfactorily explained. Many think that the result cannot be reached except through disregard of the presumption against implied repeal of local by general laws, for the main outlines of the Act of Consolidation have never been specifically repealed. The outstanding fact, however, is that city-county relations are clouded and in urgent need of clarification. There is scarcely a phase of county government, scarcely a statute affecting Pennsylvania counties generally, which does not produce its own set of anomalies in Philadelphia. Not the least of these is a situation in which responsibility for whatever is to be spent on the proposed Municipal Court building seems to be divided among City Council and the Mayor, the City Commissioners, and a Court of Common Pleas, and which seems to saddle upon judges such non-judicial duties as deciding what a metropolis of almost two million inhabitants can afford to pay for a new building.

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When Should Our City Taxes be Paid ?

University of Illinois Library
Urbana,
Illinois.

No. 542

October 12, 1922

Should the discounts be increased? Should the taxes be due earlier in the year? Should the taxes be payable in instalments?

A Reasonable Assumption

One would suppose that a direct relation exists between the time fixed for the receipt of taxes and the time when those taxes are needed for the running of the government. But this is not so in the case of the city.

Philadelphia will start spending its 1923 taxes at the very beginning of 1923. Accordingly, unless something is done to bring the taxes in as fast as they are spent, the city will continue its costly practice of using borrowed money to meet expenditures incurred on the strength of the taxes of the current year.

What is the Remedy?

This situation ought to be remedied. To the extent that the 1923 taxes are needed by the city in January, or in any other part of the year, to that extent at least the taxes ought to be in the city treasury. The city ought not be placed in the position where it must resort to borrowing—whether directly or indirectly—to meet its ordinary running expenses.

But what is the remedy? Should the taxes still be made payable "flat"—that is, without either discounts or penalties—in July and August, but the discounts be increased so as to appeal to the taxpayers sufficiently to bring the money in as rapidly as it is needed? Or, should the real tax payment period be advanced so as to accomplish the desired results?

Increased Discounts Considered

The first method, whereby the discounts would be greatly increased, but the taxes made payable without discount or penalty in July and August, might possibly bring the money in as desired. But it is likely to fail unless the discounts are made so large as to exceed the rate of interest which the city is

obliged to pay on its borrowings. This, therefore, would not be likely to prove financially advantageous to the city. And the very pertinent question as to why so late a time of the year as July and August should be designated as the tax payment period would still need to be answered.

A Suggestion of Two Years Ago

The plan which was suggested to City Council by the City Controller just two years ago, whereby the tax payment period would be advanced by two months, making it May and June; the discounts increased from two and two-fifths per cent to as much as six per cent per year; and the time when penalties become effective advanced, would undoubtedly bring in the taxes much earlier than the present arrangement. Advancing the period by two months is, of course, an improvement, for it would greatly reduce the necessity for borrowing in anticipation of the collection of taxes. But six per cent per year is a much higher rate than the city ordinarily pays on its borrowings, and the question as to why May and June should be fixed as the tax payment period when a large part of the taxes is actually needed earlier also calls for answer.

Instalment Plans

Many persons who have given thought to this matter believe that the best all-around solution would be to have the year's taxes payable in instalments. Thus, if four instalments were decided upon they might be made payable in January, April, July, and October. A small discount might be allowed on instalments paid in advance, and substantial penalties added on instalments that are not paid when due.

Plans for collecting taxes in instalments are not uncommon, and they seem to have met with approval wherever tried. They have the merit of getting the taxes in close to the time when they are

needed; they make it easy for a large number of taxpayers to pay their taxes without having to accumulate and safeguard the full year's taxes; and they spread the taxpayers' burdens more evenly throughout the year. These advantages far outweigh the relatively small disadvantage of the additional bookkeeping required.

The city ought to make a change in its tax payment provisions: it would do well to consider thoroughly the instalment plan.

STATEMENT OF THE OWNERSHIP, MANAGEMENT,
CIRCULATION, ETC., REQUIRED BY THE ACT
OF CONGRESS OF AUGUST 24, 1912.

Of CITIZENS' BUSINESS, published *weekly at Philadelphia, Pennsylvania*, for October 1, 1922.

State of *Pennsylvania* } ss.
County of *Philadelphia* }

Before me, a *Notary Public* in and for the State and County aforesaid, personally appeared *William C. Beyer*, who, having been duly sworn according to law, deposes and says that he is the *editor* of CITIZENS' BUSINESS and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management, etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher, *Bureau of Municipal Research, Philadelphia.*

Editor, *William C. Beyer.*

Managing Editor, *None.*

Business Managers, *None.*

2. That the owners are:

Bureau of Municipal Research. No capital stock.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent. or more of total amount of bonds, mortgages, or other securities, are:

None.

(Signed) *William C. Beyer*

Sworn to and subscribed before me this *29th* day of *September*, 1922.

(Signed) *Martha H. Quinn.*

[SEAL]

(My commission expires *January 16, 1923.*)

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Help for the Schuylkill River

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No. 543

October 19, 1922

The Schuylkill did not "run dry" during the recent drought, but unless the city builds a storage reservoir to supply water to the river in dry weather, some future drought will shut down the pumping stations.

NO doubt we all welcomed the recent showers, after so many rainless weeks; city dwellers and suburbanites alike have been conscious of parched grass and dusty roads and streets. It may be questioned, however, whether many of us fully realize how vitally serious to the life of our city a drought may become. We have read of springs going dry and of farmers having to haul water for their stock, but have accepted complacently the assurance that Philadelphia's water supply was in no danger of failure. We are prone to think that, having two great rivers at our doors, we may have all the water we want by simply pumping and filtering it.

The Pumps Must Have Water

We need have no fear of pumping the Delaware dry, but it must be remembered that upwards of one-third of our water supply is drawn from the Schuylkill, and the demand upon the Schuylkill pumping stations is far too close to the minimum flow of the river to warrant the apparent public indifference to the warnings of engineers on this point. To be sure the pumps were able to run continually during this dry spell, but a new high record for daily pumpage was set during this period, and there is no assurance that the Schuylkill pumps could have met the demands upon them had the drought continued much longer. Moreover, had the mills below the Flat Rock dam drawn much more heavily upon their water power rights the Flat Rock pool might well have been lowered beyond the reach of the Shawmont pumps.

Again the Engineers' Report

It was to guard against just such potentialities that the engineers in their report of two years ago—commented on in **CITIZENS' BUSINESS** No. 517, for April 20, 1922—strongly urged the construction of an impounding reservoir in the Perkiomen valley as the first step in the development of the

city's future water supply. Had such a reservoir been available during the past weeks, water could have been released into the Schuylkill, serving not only to maintain an adequate level in the Fairmount and Flat Rock pools, but also to dilute the pollution in these pools, and to flush out the sewage emptying into the river below the Fairmount dam.

Importance of the Schuylkill

The Schuylkill river is at the present time the weak spot in Philadelphia's water plant, and the crux of our perennial water problem. With the adoption of the filtration program in 1899, chief reliance was placed upon the Delaware as a source of supply, and it seemed as though the Schuylkill would be gradually abandoned. Later developments, however, led to extensive improvements and additions to the Schuylkill pumping stations and the filter plants served by them, so that at the present time more than forty per cent of our water supply is drawn from the Schuylkill, and with the completion of improvements now under way at Queen Lane and Belmont, the Schuylkill river plants will have a capacity about equal to that of the Torresdale filters.

Lessons of the Drought

That we have come through the recent drought without a shortage of water, should not lull us into a sense of security, but rather should stimulate us to vigorous efforts in removing the dangers to our water supply emphasized by the drought.

Of these dangers, the greatest is, of course, the possibility—if not probability—that the constantly increasing demand on the Schuylkill plants will, during some future drought, exceed the flow of the river. The consulting engineers pointed out in 1920 that plans then under way would demand more water from the Schuylkill than the observed minimum flow, but their recommendation that a storage

reservoir be built on the Perkiomen has not yet been heeded by our municipal authorities.

Another dry weather evil is the tremendous increase in the pollution of the river—which has become little more than a sewer during these past weeks. That this condition is not inimical to the health of the city is due to the efficiency of our filter plants and the watchful care with which they are operated. The excess strain on the filter plants consequent to a protracted dry spell would be greatly relieved by the admission into the river of practically unpolluted water from an impounding reservoir.

Whose Rights are Paramount?

A menace to the city's water supply, not generally recognized by the public, is the conflict in water rights between the city and the Schuylkill Navigation Company at the Flat Rock pool. It is claimed that the rights of the navigation company here are prior to those of the city, and there is, consequently, no assurance that when the river is low the demands of the mills having contracts with the company for water power may not draw down the level of the Flat Rock pool below the reach of the pumps at the Shawmont station. This potential menace should not be allowed to remain; such an equitable adjustment of the rights to the use of the Flat Rock pool should be reached as will safeguard the interests of the population dependent upon the Shawmont pumping station for its water supply.

Will the Lesson be Heeded?

May we not hope then, that the recent drought may yet prove a blessing in disguise by focusing the attention of the authorities upon the necessity for taking at least the first step in the program recommended by the engineers two years ago—the construction of an impounding reservoir to safeguard the Schuylkill in future droughts?

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Municipal Home Rule

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No. 544

October 26, 1922

A proposed amendment to the state constitution would enable the legislature to grant cities the right to adopt and amend their own charters, to adopt optional laws by local vote, and to exercise powers needed for meeting local needs and emergencies.

THE origin of American city governments lies in the fact that the inhabitants of the towns of England were able to secure from royal hands a series of special privileges needed by them but apparently not so urgent for dwellers in more thinly settled territory. Principal among these rights were: free election of magistrates; independent exercise of jurisdiction in their own courts and by their own customs; and direct negotiation of their taxation with the officers of the Exchequer.

Local Handling of Local Needs

These privileges were granted in *charters of incorporation*, issued not to the whole community but to certain prominent persons in the community (though for the benefit of all the inhabitants), and their principal effect was to make the municipalities, or boroughs, artificial subjects of private law, more easily capable of owning property, and capable of suing and being sued. Members of a corporation named their own successors. As a matter of fact, so little was the municipal corporation regarded as a governmental authority that among its prerogatives there was commonly no power to levy taxes.

It is worthy of note that, though the boroughs were incorporated to secure to burghers certain freedom from the rule of duke and earl, the persons who were authorized to control the boroughs became subservient to the next coterie of nobles who assumed political power in the kingdom. The boroughs, which also were units of representation in Parliament, degenerated into instruments of national politics, and became incapacitated for effective local administration. As the social and economic conditions of populated districts began to differ markedly from those of rural districts, such new municipal functions as lighting streets and laying pavements were not put into the hands of the boroughs

at all, but separate boards, trusts and commissions were created to take charge of them. It was natural that the decadent form of corporate organization should be sloughed off, both in England and America; and natural enough, that America, separated by years and events and miles of distance, also lost sight of the sound principle underlying the first purposes for which the corporations were first created.

Imported by William Penn

This was the institution of municipal government as it was introduced into this country, and this was the type of organization provided for Philadelphia in her charters of 1691 and 1701. Like the English municipal corporation, the "Town and Burrough of Philadelphia" was a device mainly for the management of property and finances, and the local administration of justice. It has been well called by its most eminent historians a medieval corporation.

Legislatures Fore!

Then upon Philadelphia and her neighbors came the independence of the United States, affecting all American cities and their legal position. For the state legislatures took over the power of granting charters, along with other principal prerogatives of the king and his royal governors.

The legislatures had already been appealed to for specific powers for the boroughs and their inhabitants; as in 1712, when a legislative act created assessors for Philadelphia and established the first power of taxation enjoyed by this municipality. Unconcerned with the original purpose of a municipality as a local corporate agency for fulfilling local needs, the legislatures looked upon it as merely a local organ of state government.

Charters Change Their Meaning

Under them, furthermore, a municipal charter took on a character quite different from that which it had

previously possessed. A charter from the king had been a palladium. Its terms were enduring, and it conveyed privileges which could not be taken away except extra-legally, and which were not surrendered without a fight. A legislative charter, on the other hand, was simply a legislative act, passed, amended, and repealed like any other legislative act. It was not even a contract, as the private corporate charters granted by the same legislatures were held to be. Municipal charters, therefore, as to their duration, their terms, their applicability and their usefulness, were in the hollow of the legislative hand. Municipalities were the "creatures of the state"; and the legislatures, not distinguishing carefully between the kind of municipal activity which consists of meeting local needs and the kind of municipal activity which consists of serving as agents of the state, have given evidence of forgetting that municipalities have a proper sphere of local action in which they should move freely, and have extended their continual control over all the municipalities' affairs, both local and general.

The Legislature Conquers New York

In New York, for example, the first state constitution confirmed the charter of the City of New York which had been received from the English kings. For a considerable period thereafter, changes in that charter were made upon the initiation of the people of the city, through elected charter conventions, and no statute passed by the state legislature relative to the affairs of the city took effect until it had been approved by the city. In the 1850's, the legislature was called upon to interfere in the administration of certain matters which were said to affect the state as a whole, beginning with the metropolitan police bill of 1857. There had been a police scandal, and the legislature, without the consent or approval of the city or its people, set up a metropolitan police district, embracing all of New

York City and certain outlying territory and headed by an appointee of the governor. The people of New York City resisted to the point of bloodshed, but the courts finally held that the action of the legislature was proper, inasmuch as police administration was not a local function, but one which affected the state as a whole, and which might therefore be put into the hands of authorities having jurisdiction over a greater territory than any one city, and appointed by the central government of the state.

This success of the legislature led it further. It took from local control in the same way the administration of the fire department and the administration of the public health, and in addition provided for a commission to administer parks in New York City—certainly a matter of purely local concern. These were followed through the years by the creation of other state-controlled bodies to attend to business primarily municipal in character.

The King's Highway—Some Legal Roadwork

Similarly in Pennsylvania the control of streets, which we recognize today as a matter local beyond question, was early and definitely adjudicated to be a matter of state control. "The crowded avenue of the metropolis, the shady, sandy street of the village, the lonely mountain road were all alike the king's highway, and all alike belonged to that people whose sovereignty was personified at one time by the king, and now by the commonwealth";¹ and the legislature might and did say to the cities, "You shall have the power and duty to control the streets, to pave, repair, and keep them fit for travel; but except by our express consent ye have no other power over them; ye cannot grant permits to obstruct them with markets, to allow them to be covered with railroad tracks, to be encroached upon by

¹ Allinson and Penrose, *Philadelphia, 1681-1887*, p. 72-3 and cases cited.

buildings; ye cannot open them; ye cannot close them, except as we dictate.”¹

So with public parks and squares. They were considered a part of the jurisdiction of the state because their creation involved the use of the power of eminent domain, which was held an attribute of sovereignty.

The “Municipal Buildings”

The crowning example of legislative interference, so far as Philadelphia is concerned, arose in connection with the city hall building. In 1870 the legislature decided that the city of Philadelphia should have new municipal buildings. The act passed to accomplish this result selected certain persons by name and appointed them commissioners for the erection of the buildings. It imposed this commission upon the city, made it perpetual (during the life of the act), by authorizing its members to fill vacancies in their number, and gave it absolute control to create debts for the purpose named and to require the levy of taxes for their payment. The city was compelled by the courts to supply the necessary funds, and for nearly twenty years all the money that could be spared from immediate and pressing needs was poured into the grimy, somber pile which obstructs traffic at the intersection of Broad and Market Streets.

The Shame of the Cities

The continual exercise by legislatures of these powers relative to municipal affairs which were held not to be local, has resulted in the gradual assumption in many parts of the country of a long series of purely local powers. Legislatures have come to regard themselves as the proper authorities for local as well as central government. The effect on cities has been disastrous. Local interest in the management of municipal affairs has been deadened. Local powers have been exercised by bodies which

¹ *Ibid.*

necessarily can be but slightly acquainted with local conditions, and which lack all local responsibility. Legislatures have claimed the right to appoint municipal officers, and to fix and change the details of municipal organization. They have legislated municipal officers out of office, and established new offices. Cases even are of record where special acts have been passed to compel the payment by a municipality of claims which courts and local authorities had stamped as fraudulent and void, but which were held by persons of political influence!¹

What's the Use?

It became frequently impossible to tell what the fiscal condition of a city was, what laws applied to it, what the effect of a proposed reform was likely to be. Municipal officers found it possible to escape legal responsibility by securing amendments to existing law, and to hide from their responsibility to the public by taking refuge in the unintelligibility of the laws and the popular lack of knowledge of the facts. Municipal debts bounded upward as countless sums were borrowed for running expenses and as sinking funds were juggled. In many cities serious conflicts of authority resulted in actual paralysis of public service. Cities were felt to have no real local autonomy and most of them fell into the hands of professional politicians because no one else could follow the maze of government or could feel that his share in producing effects was great enough to make it worth his while to put forth any effort.

Meanwhile, Work Increases (and Taxes)

Meanwhile, the industrial and economic developments in the United States were rapidly developing a series of municipal problems so new and so foreign to the experience of earlier decades that we find it hard to look upon the functions of the earlier municipalities as involving city problems at all. In

¹ E. g., In the Matter of Cullen, 53 Hun, 534.

1800, New York and Philadelphia, with populations of 40,000 and 60,000, were the only large municipalities in the country. Yet upon the type of city government of 1800, based as it was upon an accidental and unjustifiable conception of the nature of municipal needs and the relation of municipal to state governments, has been loaded the burden of serving the daily needs and adjusting the daily difficulties of urban populations numbered in hundreds of thousands and in millions, living in an age complicated by the applications of steam and electric power, high speed transportation, instantaneous communication, mass production and mass action.

Thinking Up Remedies

The sins of legislatures against the cities led to a general revolt about half a century ago against their freedom to deal individually with cities and their affairs. Provisions were written into most state constitutions, similar to that in our Pennsylvania constitution of 1874, forbidding the legislature to pass local or special acts affecting individual cities. Then legislatures made efforts to cover the needs of municipal government by general acts applying alike to all municipalities in the state. This failed inevitably, for it was an attempt to write a description of a scheme of organization and municipal powers applicable alike to towns of 5,000 and cities which counted their inhabitants in hundreds of thousands. It failed because it was not an effort founded upon an analysis of the facts, which were that legislatures and cities had come to grief because of failure to realize that with the marked development of urban life most municipal problems were taking on a local character requiring that they be met by local action.

Without Bothering About Facts

The next step generally taken perpetuated the same mistake. Legislatures, with the acquiescence of the courts, arbitrarily classified municipalities,

and enacted general laws applying to cities of a class. This violated the fundamental principle of local solution for local problems in two ways, for either the number of classes of cities was small and one or more of the classes still contained municipalities so divergent that they were subject to as much hardship as though their class had included all cities, or else the classification was so minute that the majority of the classes contained only one city each and therefore presented merely a devious manner of evading constitutional limitations and legislating for those cities individually. Thus Ohio, prior to 1902, had eleven classes of cities, eight of them containing only one city each.

Pennsylvania Does It

Pennsylvania still operates under a system of classification of cities which violates the principles of successful municipal administration at both ends. It imposes a strait-jacket upon third-class cities, and encourages special legislation by subterfuge for Philadelphia and for Pittsburgh and Scranton. The first class of cities (those having a population of 1,000,000 and over) can contain only Philadelphia. The so-called Philadelphia charter of 1919 is drawn in terms to apply to such cities, but, in common regard, no thought ever is given to its applying to any city but Philadelphia. Cities of the second class (those between 125,000 and 1,000,000 population) comprise Pittsburgh and Scranton and none other. When Reading and Erie achieved populations of 100,000 each and applied for registration as second-class cities, action upon the applications was delayed until the legislature could pass an act raising the lower population limit of the class to 125,000 from 100,000, where it stood prior to 1921, so that Reading and Erie would continue to be excluded, and the second class would continue to embrace only Pittsburgh and Scranton.

What Makes a Class of Cities?

The very basis of classification reveals its lack of

suitability as a practical basis for a scheme of municipal government. The only recognized basis of classification is population. Philadelphia is classed by herself because presumably the municipal needs of a city of 1,000,000 (or more) people differ materially from the needs of a city having a population of 999,999. Yet the fact that the *City* of Philadelphia is coterminous with the *County* of Philadelphia, and that city and county governments have been consolidated, a circumstance which introduces a very real need of special treatment, is not recognized at all, and acts applying solely to Philadelphia on this basis would unquestionably be held void as special acts. The fiction of 100,000 population as the natural dividing mark between two other groups of cities having different needs was shown by the ease with which the dividing line was raised to 125,000 as soon as two third-class cities were ready to cross it.

The Third-Class Cities' Plight

The third-class cities, meanwhile, nearly forty in number, are confined to identical governmental organization and powers, as prescribed by the third-class city law. Erie, with 100,000 population, and her little neighbor Corry, with barely 10,000, have to conform alike to its provisions, and the provisions themselves are exceedingly difficult to change. Change has to be effected by legislation at Harrisburg, which can be undertaken only once in two years. Every change which is proposed for or is desirable for the benefit of one city has to run the gauntlet of thirty-odd others, and it is a rare occasion when one or more of the others does not find cogent reasons to show that the proposal will work it a hardship. The chance against any charter improvement for any one of the cities is nearly forty to one. If the change is effected, it may really work some other city a hardship.

Hand-Me-Down Government

The method of accomplishing change in respect of any of the three classes of cities is open to all the objections which apply to the accidental and unfortunate conceptions with which we started in 1800. When Philadelphia needs added powers to meet situations which are purely internal, we must go to Harrisburg and accept the decision of a body of men the great majority of whom do not know Philadelphia conditions, will not in any way be affected by what they do about them, and are not responsible to the local people concerned for any action which they take or fail to take. The city charter, so-called, is never free from danger of amendment, not only without the desire of the people of the city but even against their protest. The whole charter, as well as every sentence in it, exists by the legislature's favor; and not even as a contract but merely as a public legal privilege which may be amended by the legislature as it sees fit, and even taken away altogether.

Philadelphians Can Act Best For Philadelphia

Fortunately the pressure of public opinion is such that Philadelphia of today is not in imminent danger of suffering, as did the Philadelphia of forty years ago, from a legislative despotism more absolute and unreasonable than anything experienced by cities of years ago at royal hands. The difficulty today is rather that the delineation of Philadelphia's organization and powers is bound in chains. When the present charter was drafted it represented merely a step in advance. It was a limited step. It was not what any one of its proponents would have done if steps could have been taken freely. The men and women who drafted the charter had to consider not merely what they desired to express for the purpose of meeting Philadelphia's needs, but what they thought would be acceptable to a group of officials most of whom knew nothing about Philadelphia's needs.

Why Should Citizens Be Interested?

Municipal interest, meanwhile, is sufficiently atrophied to be a constant topic of editorial and homiletical regret. If the same forces apply in Philadelphia which have been recognized in countless other cities, the reason why a greater number of citizens do not show practical interest in this city's affairs by participating in them is because they are not convinced that their participation would do any good. Too many local affairs are settled at Harrisburg.

Home Rule

Thirteen of our sister states have embarked upon a fundamentally different course of action. In these states, the people of a city may have a charter of their own making, and thus may secure a government adapted so far as possible to their local needs and subject to change at their own hands from time to time. They are then said to possess home rule, the essence of which is a return to the principle lost sight of in this country at the very start: that congestion of population in cities makes peculiar local problems, which are best met by local action and for which the people of each city should have ample power and freedom to act.

In 1875 there was a constitutional convention in Missouri. The delegates from St. Louis came with instructions to secure for St. Louis the right to make her own charter, just as the people of each state draw and ratify their own fundamental law for state government. The attempt was successful. A provision was inserted in the Missouri constitution providing that "any city having a population of more than 100,000 inhabitants may frame a charter for its own government, consistent with and subject to the constitution and laws of this state."

With respect to St. Louis, the constitution laid down a number of important details of procedure which must be observed by the body which was to

draft the charter, so that the city's freedom of action was far from absolute. It was, however, a long step forward. A board of thirteen freeholders elected by the people of the city drafted a new charter which was promptly enacted, and the new government proved so superior to the situation which had previously existed that California in 1880 adopted the same plan for San Francisco, and eventually for other California cities. In 1889 the state of Washington followed; Minnesota in 1896; Colorado in 1902; Oregon in 1906; Oklahoma in 1907; Michigan in 1908; Arizona, Nebraska, Ohio and Texas in 1912; and Maryland in 1915.

Cities Adopt Their Own Charters

In practically all of these states, the drafting of a city charter is accomplished by electing a charter commission or board of freeholders especially for the purpose, and generally the charter drawn by this body is submitted to the voters of the city at a general or special election, and becomes effective when adopted by them. The privilege of drawing a new charter or amending an existing one is extended only to the cities wishing it. All the others remain under their existing scheme of government until the individual desire for change arises.

Proposed for Pennsylvania

Moved by the example of these states, and the gains in effective municipal government and healthy civic interest which seem to have followed the adoption of home rule, the third-class cities of Pennsylvania have been instrumental in securing the passage by two legislatures of a proposed amendment to the constitution of Pennsylvania, the adoption of which will make it possible for the legislature to grant home-rule privileges to us. The third-class cities have taken this course as a means toward relief from their own bondage, but if the amendment is adopted by popular vote (and it will be found on the ballot on November 7 next) it will be equally possible for

the legislature to extend home-rule to Philadelphia, and to Pittsburgh and Scranton. The language of the amendment is, in part, "Cities, or cities of any particular class, may be given the right and power to frame and adopt their own charters and to exercise the powers and authority of local self-government, subject, however, to such restrictions, limitations and regulations as may be imposed by the legislature."

The Amendment Is Merely Permissive

In most of the home-rule states the methods by which charters must be drafted, and the degree of home rule a city may enjoy, are established by mandatory provisions in the constitution. The proponents of the Pennsylvania amendment have, on the other hand, followed the example of Minnesota, Michigan and Texas in leaving the working out of the plan to the legislature, and giving the legislature power to provide the machinery under which a charter may be framed and to define the extent of the powers which a city may exercise. It is to be expected that the operation of home-rule powers will be limited to such extent as the legislature may believe necessary for the protection of the state's general interest, and that in cases of doubt or conflict the line of demarcation will be drawn by the courts.

Optional Laws

It will also be possible, if the proposed amendment is adopted, for the legislature to enact general laws, relating to municipal affairs, which will become effective in a particular city only when submitted to the local voters and adopted by them. This part of the amendment will apply to boroughs as well as to cities. New York state has made use of this device extensively, and with apparent good effect, by means of her "optional government" laws, which

have given to cities of a particular group the choice between several alternative types of city organization and charter provision.

The proposed amendment does not apply at all to townships or counties, a circumstance which will lead many to the belief that it is not sufficiently inclusive, and that its adoption will but presage further effort to secure local autonomy for these other units.

Chicago, Too

It is of interest that at the same time this proposed amendment is before the voters of Pennsylvania a new Illinois constitution is being considered, the salient feature of which is the grant of home rule to Chicago. In the words of one of the Chicago delegates, "The greatest change in the new constitution is the grant to Chicago of the right of home rule. It may write its own charter; it may pass its own laws of local significance; . . . and, whatever is to be decided upon, we ourselves make the decision. Chicago may zone her city; condemn property in fee for public use, . . . consolidate her numerous taxing bodies, in fact, accomplish all of the results for which she has been striving for twenty-five years, and all of these privileges are at her own election. No power can say she must, nor need she appeal to any power that she may."

If the proposals should carry in both states, New York and Boston will be the only large American cities still left bound to the political principles of 1800.

Ours is a government of men under law. We have gone under the theory that we could tie men's hands for evil but at the same time leave them free for good. . . . It is as if we sent men into battle without arms, fearful that weapons might be turned against us.

—*Ex-Governor Lowden.*

The National Municipal League will hold its 1922 convention in Philadelphia, November 22-24. Convention Headquarters and most of the sessions will be held at the City Club, and all friends of municipal progress are cordially invited.

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What is Home Rule?

University of Illinois Library
Urbana,
Illinois.

No. 545

November 2, 1922

What is involved in the right to make a charter
and exercise powers of local self-government?

IN view of the pending constitutional amendment, what is involved in home rule for cities? What is there to be gained if the amendment should be adopted and a subsequent legislature should be persuaded to apply its provisions to Philadelphia?

Framing Charters

In the first place, the right is gained to frame, adopt, and amend our own charter. Needs in this respect were discussed at length in last week's issue of CITIZENS' BUSINESS (No. 544). A charter may be said to be primarily an instrument to create a form of local government. The framework and form of government are accordingly the features uppermost in mind when we think of a city charter. Somewhat belated appreciation of the need of individual architecture in city government, by the people most directly concerned in it, furnishes the principal motive for seeking and securing home-rule privileges.

"Local Self-Government"

Outlining the structure of a government, however, is not readily separable from determining what powers the government shall exercise. It is about this feature of home rule that opinion divides. Those who are impressed with the delicate balance of law and sovereignty, and especially those with minds of legal training who are familiar with the practice of the last thirty years but not sufficiently familiar with legal history to know that this practice has been a gross departure from sound precedent, are honestly troubled over the implications of "local self-government."

The Courts Have Ruled

For an understanding of those implications, we may turn to decisions of courts of highest appeal in most of the states which already have home rule. The field thus covered is fragmentary, and there are inconsistencies. But there appear a group of principles which forecast the probable operation and

effect of a home-rule provision in a state in which its application is new.

Local Concern

The first of these is that the city is likely to be recognized as having freedom to exercise such powers as it may require in municipal matters. "Municipal matters" are likely to be defined as the "necessary and proper" minutiae of municipal government and administration as they exist for the purpose of meeting local needs as envisaged and faced by the people of a community. In these matters, or rather, in matters in which these elements are preponderant, the provisions written into home-rule charters ordinarily supplant the provisions of previously-existing general laws. General laws subsequently enacted may or not be held invalid when they are in conflict with these charter provisions; and such general laws, relating to affairs properly classifiable as municipal, may or may not be valid in the absence of charter provisions which, if they existed, would take precedence over the laws.

Versus General

On the other hand, the sphere of municipal freedom is likely to be sharply limited to municipal matters, so that cities cannot go off on excursions into matters of general legislation which the state legislatures may not have touched, such as workmen's compensation, or marriage and divorce, or torts, or contracts. And the field of freedom will be further entered by wedges of concurrent jurisdiction (as in connection with public health, or public education) in which the city is free to supplement or extend state regulations, or cover the local field completely when no state regulation exists, but in which, in case of conflict, the state regulation controls.

Precedents

An exact staking-out of the field of local freedom

is, of course, not possible. As an indication, however, it might be said that in some of the states on which Pennsylvania may be likely to draw for precedents, such matters have been adjudged within the unhampered province of the cities as the control of parks, boulevards and bridges, the awarding of contracts, the levy of special assessments, determining the ordinance procedure, the number of councilmen, the qualifications for municipal office, and the regulation of prosecution for violations of the charter. Fixing debt limits, on the other hand, has been adjudged to be a power lying with the state. So with the power of eminent domain, the annexation of territory, and the regulation of so-called county officers in a consolidated city and county.

As to the establishment and conferring of additional jurisdiction upon courts, the control of public utilities, the control of police, the control and improvement of streets, the conduct of elections, the adjudication of claims against the city, and the levy of taxes for local benefit, precedent of varying weight may be found for holding these matters to be either of local or of general concern. Within the sphere of concurrent jurisdiction lie not only matters of education and public health but the exercise of the police power, with the tendency apparent of giving the cities just as much leeway as possible in this regard.

Presumption and Progress

It is conservative to say that home rule benefits cities by giving them a presumption of the possession of a needed power. Granted a wise and carefully drawn enabling act, and sympathetic treatment by the courts, it is not too much to say that the voters of a home-rule city should be able to confer by charter upon their city government any power needed for municipal administration which the legislature in that state could confer if it were enacting a legislative charter. A long step of progress, this, compared with the doctrine of strictly limited powers obtaining in three-quarters of the states.

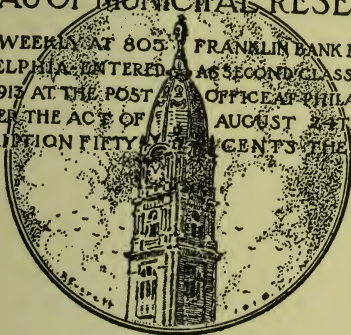
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The Frankford "L" and the Development of the Northeast

University of Illinois Library
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No. 546

November 9, 1922

Of what avail in opening up a new section of the city are boulevards and rapid transit, if the water supply is neglected?

WITH the long deferred opening of the Frankford Elevated, Philadelphia is justly celebrating a great step forward in municipal progress. The establishment of rapid transit facilities to the Northeast is acclaimed as marking the start of a new era in the development of this section, and there is a general feeling that with transportation at last provided, the farm lands and truck gardens of this area will at once give place to homes, stores, and factories.

The Ointment—and the Fly

With the Delaware Bridge under construction and the Frankford Elevated in operation, the "World's Greatest Workshop" may well look forward with confidence to a great expansion into the Northeast section. And yet, Cassandra-like, we are impelled even amidst the general rejoicing to point out certain evil omens, certain factors lost sight of in the enthusiasm of the moment, which if not recognized and combatted at once, may well bring to nought our rosy dreams for this section.

The Northeast and Its Possibilities

A brief survey of what we may call the "undeveloped Northeast," reveals a section of the city lying to the north and east of Foust Street, between the Delaware River and the Montgomery and Bucks County lines, some nine miles long and five miles wide. This area of about forty-five square miles is comprised largely of open farming country, with here and there a more or less built up but isolated community. The long frontage on the river, the New York division of the Pennsylvania Railroad and the several branch lines of the Reading and of the Pennsylvania that traverse it, afford to this section unrivalled advantages for industrial growth. Adequate transportation seems assured by surface trolley lines and bus line feeders to the Elevated at Frankford. Much of this area is high ground and the Roosevelt Boulevard, running through the heart

of the section, invites high class residential development.

No Growth Without Water

And yet with all these advantages, the growth of this section must inevitably be throttled, if not entirely choked, by the utter lack of water supply facilities. A small area along the river is served by private water companies, and the city has one small supply main—already over-taxed—running up through Bustleton and Byberry. The rest of this Northeast section is entirely without a central water supply.

What May Happen

Several large acreage tracts are ready to be opened up and builders and real estate men are clamoring for water, without which building obviously cannot go on. One operative builder has frankly stated to the authorities that unless steps are soon taken to supply water to the Northeast, he will be obliged to divert his energies toward the development of territory adjacent to the Jersey end of the bridge. Surely we will not complacently sit by and watch industries and populations that should be ours driven over the bridge for which we are in part paying, solely because we are unwilling to invest in water works extensions the sums necessary to attract this population into our own Northeast section!

What Is Needed

The job of "making the Northeast safe for development" must not be underestimated. In the first place, the hard fact must be realized that there is not sufficient pumping and filtration capacity in the present water plant to care for any such increase of population as is likely to follow the opening up of the Northeast. This region can support several hundred thousand people, and population is likely to be drawn here about as fast as facilities can be supplied.

Responsibilities that Must Be Faced

With this situation before them, it behooves the municipal authorities to face the responsibility of providing for a rapidly increasing population and to take the first step in a comprehensive program of water supply development for this section. A new unit of filters and pumps must be installed at Torresdale, and a system of large supply mains laid throughout the section so as to take care of its progressive development. Until the city is prepared to make this substantial investment in its water plant, it is futile to expect any "boom" in the Northeast.

The Private Water Companies Should Be Absorbed

Another phase of the water problem in the Northeast that calls for prompt decision, is the absorption by the city of the private water companies now operating within this section. If the city does not at once take steps to supply water to the large building operations now in process or contemplated adjacent to the territory served by these companies, the water companies will undoubtedly extend their facilities to meet the new demands. The existence of private water companies within the city is admittedly undesirable. No further time should be lost in reaching an equitable basis upon which they can be taken over by the city. It must be evident that any new capital outlay to which these companies may be driven by the failure of the city to meet the growing demand for water, will add not only the amount of this investment but also its "going business" value to the sum the city will ultimately have to pay for these properties.

A Practical Celebration

We rejoice with the "boosters" and the enthusiasts that the Frankford "L" is at last open, but we submit that the most practical celebration of this momentous event would be the authorization by the municipal authorities of such extensions to the water supply facilities as will make possible the realization of the vision of a new Northeast.

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A Famous Victory

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No. 547

November 16, 1922

"But what good came of it at last?"
Quoth little Peterkin.
"Why, that I cannot tell," said he,
"But 'twas a famous victory."

—Southey

Municipal Court Plans Vetoed

The people of Philadelphia are being warmly congratulated because a Court of Common Pleas has disapproved certain plans for a new Municipal Court building. Apparently one of the chief reasons for the rejection of the plans was that the court felt they were drawn on too lavish a scale. The Bureau of Municipal Research has no opinion to express as to whether or not the plans were conceived in a spirit of extravagance. It believes, however, that there are "cures" for extravagance which may dissipate an occasional attack, but which are likely nevertheless to "ruin the constitution" of the patient.

Who Is Responsible for the Plans?

It is very significant that those who applaud the rejection of the plans for the Municipal Court building do not seem at all certain as to who should be blamed for attempting to secure the execution of the plans. Some censure the City Commissioners, others the City Council. The President Judge of the Municipal Court is also mentioned. Apparently no one can place the whole responsibility on any single officer or agency of the government. How does it happen that a project involving the expenditure of millions of dollars of public money can gain such headway without its being known exactly who is responsible?

From Bad to Worse

It is a pretty safe guess that the largeness of the amount proposed to be spent is a direct result of the uncertainty as to who would be responsible for the spending. Small wonder then, that many citizens viewed with dismay the decision that the Courts of Common Pleas of Philadelphia have a final veto on plans for court houses and other county buildings, for this means a wider diffusion of responsibility where responsi-

bility was already spread out so thin as to be almost invisible. The net result seems to be that an alleged extravagance, which resulted from decentralization in the local government, has been checked at the cost of further decentralization.

Headed in the Wrong Direction

Adding to the number of agencies which share responsibility for spending the city's money will never give us prudent financial administration. Philadelphia taxpayers are going to be pretty helpless until authority and responsibility for financial administration are centered in a single agency. That one agency ought to be the City Council. City Council is elected primarily to levy the taxes and dispose of the proceeds, and every cent of the tax rate fixed by it ought to represent an expenditure for which it alone is responsible.

Should Council Finish What It Started?

There are many who believe that City Council not only *ought* to have full and final control of such projects as the new Municipal Court building, but also that actually and legally City Council *can* exercise such control if it cares to do so. It must not be forgotten that by authorizing loans and appropriating funds City Council legally initiated this project. The burden should be on it to justify the plans and the expenditure. Anything which lightens this burden is to be regretted.

Penny Wise—Pound Foolish?

The taxpayers may save some money by the intervention of the Court of Common Pleas in this case. Will they profit in the long run by the addition of courts of common pleas to the already complicated machinery by which the city government finances the county? With knowledge that a court of common pleas stands ready

to assume final responsibility, will City Council in the future raise and appropriate money for county buildings more carefully, or less carefully? Is there any guarantee that *all* courts of common pleas will *always* be so zealous to protect the taxpayer? Need examples be cited to show that one of the surest ways to demoralize a court is to give it just the kind of power exercised by the Court of Common Pleas in this case—power to control the expenditure of large sums of public money?

Putting the "Mock" in Democracy

The possibility that a responsible City Council will be repudiated at the polls will be a much more effective check upon extravagance than posting courts as sentinels to challenge the wisdom of spending money which has been legally raised and legally appropriated. Judges are not elected to pass upon the wisdom of expenditures of public money—at least it will be unfortunate if they ever are. And if City Councilmen, who *are* chosen by the voters for just that purpose, must have courts as guardians, further efforts to maintain or obtain democratic government might as well be abandoned.

That Act of 1895

The decision of the Court of Common Pleas has been hailed as a victory for the taxpayer. Obviously the taxpayer cannot afford many such victories, if, indeed, he can afford this one. Many citizens, therefore, would regard with equanimity a reversal of the decision that the Courts of Common Pleas of Philadelphia have jurisdiction in such matters, or a declaration of the legislature relieving them of such jurisdiction. The decision that the Act of April 19, 1895, P. L. 38, conferred such jurisdiction came as a general surprise, and there are still many who are not convinced that this act has, or ought to have, any application to Philadelphia.

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The Cost of Street Cleaning

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No. 548

November 23, 1922

While the public is interested in the results of municipal street cleaning measured in terms of service, rather than of cost, its cost is an important consideration in fixing the tax rate. Even in cost, however, municipal street cleaning shows an advantage over the discarded contract system.

THOSE who have followed the progress of the movement for cleaner streets in Philadelphia were doubtless prepared for the recent clash in Council's budget hearings over the cost of municipal street cleaning. That the administration would use this opportunity to show the financial advantages of municipal work which it had inaugurated seemed a foregone conclusion, and that these claims should be challenged by the opposition was equally to be expected.

Adequate Service the Primary Requirement

The opinion has frequently been expressed in **CITIZENS' BUSINESS** that the kind of service rendered should be the true criterion of the success of municipal street cleaning, and not its cost. The public health and the public convenience demand that the streets should be kept clean and that household wastes should be collected frequently and disposed of inoffensively. For a number of years the municipal government has assumed the responsibility of having these functions performed for the entire city rather than requiring each householder to take care of his own part of the work. Today, city cleansing ranks among the most important municipal services that are provided for in the tax levy, and it is the duty of the city government to see that it is performed in a satisfactory manner.

Cost Should Cover Adequate Service

It is important, of course, that the expense of the city cleansing should be as low as is consistent with securing the desired results. The demands upon the public purse are so numerous that the cost of street cleaning cannot be lightly regarded. If money can be saved on street cleaning, just so much more will be available for other municipal services. But when costs are being considered,

it should not be forgotten that right now the public is looking for results from municipal street cleaning as measured in terms of service rather than of price.

Cost of Municipal Operation Low

Information furnished by the street cleaning organization indicates that street cleaning, ash, rubbish, and garbage collection and disposal will probably cost the city a net amount of \$4,888,000 for the year 1922. In arriving at this figure it has been necessary to estimate expenses for the last two months of the current year as well as the value of the by-products from the garbage reduction plant. Allowance has been made for the depreciation of equipment and plant. A similar calculation of the net cost in 1921 by combined municipal and contractor forces gives a sum of \$5,872,000 or \$984,000 more than in 1922.

Contract Cost High

What the city might have paid for all contract work in 1922, is, of course, somewhat problematical, since no contract bids were obtained. The slight drop in general price levels might have been reflected in lower contract bids; yet the city has paid about the same rates for labor—which constitutes a large percentage of the total cost—in 1922 as was paid in 1921, and recently there has been difficulty in maintaining those rates. It is doubtless true that the contract bids accepted for 1921 were unusually high, for the city was in a disadvantageous position and unable to obtain the best terms. But even if we take the year 1920, the last year of full contract work, the cost to the city was \$5,031,000. It is necessary to go back to 1919 to find a contract cost—\$4,358,000—which is less than the estimated cost by municipal forces in 1922, but it is practically certain that contractors would not have been

willing to accept any such low amount for the year 1922.

Contract Performance Unsatisfactory

But after all, contract work was not opposed on account of its cost but because it was impossible to get clean streets under the contract system at any price. There was little, if any, remonstrance against the rapidly rising costs of contract work as the specifications were tightened, but there was a highly crystallized sentiment against contract work because it failed to produce clean streets in spite of the tighter specifications and the resultant higher costs.

It hardly seems probable, even if it were correctly demonstrated that municipal street cleaning cost as much or more than contract work, that the people of Philadelphia would be willing to go back to the old system. They have not forgotten how hopeless it is to endeavor to write binding street cleaning specifications, or to enforce them upon a contractor who is interested primarily in profits; nor have the many other evils incident to street cleaning contracts passed entirely out of the public mind.

Municipal Performance Satisfactory

When the year 1922 is closed and the results of a full year's operation under municipal forces can be summarized, it will be highly interesting to compare the amount of work performed with that which was done under the contract system. The general satisfaction that appears to exist would seem to promise a comparison most favorable to the municipal undertaking. Even then, however, it will be necessary to remember that the municipal organization has not had time to take advantage of all of the opportunities for improved service and lowered costs, many of which must wait upon engineering studies based on actual experience in operation. With municipal work, such studies will prove highly valuable; under the contract system, they would have been a useless expense.

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How Can the Merit System Be Improved?

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Illinois.

No. 549

November 30, 1922

Two interesting proposals have been made recently to improve the administration of civil service in American cities. What do you think of them?

“That which can’t be improved is dead.”

This warning, voiced last Thursday in one of the sessions of the National Municipal League when civil service was under discussion, should be taken to heart by every well-wisher of the merit system. To admit that a cause has weaknesses may give aid and comfort to its enemies, but only by so doing can we secure the most intelligent cooperation of its friends.

Of course, civil service is not dead; it *can* be improved! And criticism that helps to reveal the places where improvement is possible should be welcomed, not resisted.

Two Kinds of Critics

Critics of the merit system may be classified into two major groups: one consisting of those who want less of civil service control, and the other of those who want more of it. In the first group we may find the out-and-out spoils politician, and also the conscientious administrator who still clings to the passing theory of “freedom to hire and fire.” The second group includes all those who want to see the employment problems of government dealt with more adequately, more scientifically, and more in accordance with modern ideas of justice and democracy. Naturally we may expect more constructive criticism from the second group than from the first.

Recent Appraisals of the Merit System

During the last six months two reports, both critical of the merit system as it is now administered, but both looking forward rather than backward, have been presented for public discussion. At the annual meeting of the Governmental Research Conference of the United States and Canada, held in Cleveland in June of this year, the committee on civil service submitted a report on the “Character and Functioning of Municipal Civil Service Commissions in the United States.” Printed copies of this document have just become available. A somewhat similar report, not yet in printed form, was made last week in this city to the National Municipal League by its special committee on civil service.

A Weak Spot Revealed

On the critical side, both reports focus attention upon the make-up of the civil service commission. It is shown that, owing to the practice of having the members of the commission appointed by the political chief executive or elected by the legislative body, employment administration in our city governments has been to a considerable extent under political domination rather than under professional guidance. Largely as a result of this condition, our municipal civil service commissions have a past record that is not altogether enviable. Generally speaking, merit principles have not been faithfully enforced; continuity of employment policy has not been maintained; and the employment functions of government have not been adequately performed.

Constructive Proposals

The constructive proposals in the two reports, while differing in detail, are fundamentally the same. Both would substitute for the typical politically chosen commission of today a professionally qualified employment manager surrounded by machinery for enlisting and maintaining the cooperation of the administrative staff on the one hand and the large body of subordinate employes on the other; both contemplate an expansion of the activities of the civil service commission; and both recommend more adequate financial support of those activities. The differences in detail have to do almost entirely with the constitution of the commission.

A New Type of Civil Service Commission

In the report of the Governmental Research Conference committee it is proposed that the civil service commission be a three-member body, consisting of a chairman of the commission and two associate commissioners. The chairman would be chosen for his technical knowledge and experience by competitive test, would hold office during good behavior and efficient service, and would be paid a regular salary. One of the associate commissioners would be appointed by the chief executive from the administrative staff and would

hold office at the pleasure of the chief executive. The other associate commissioner would be chosen by the employes in the classified service from their own number for a term of three years, and would be subject to recall by the employes. In connection with the legislative and judicial functions of the commission, the associate commissioners would have an equal voice with the chairman, but in purely administrative matters they would act in an advisory capacity only.

An Alternative Suggestion

The report of the special committee of the National Municipal League recommends a single civil service commissioner chosen by competitive examination for an indefinite term of office. In place of the two associate commissioners, provision is made for advisory personnel committees, each of which is to be composed of an equal number of representatives of the administrative staff and representatives elected by the rank and file of the employes. The chief executive, moreover, is permitted to exercise somewhat greater power both in the selection and in the removal of the head of the commission than under the Governmental Research Conference committee's plan.

In Accord with Modern Tendencies

It is not our purpose to endorse either the one proposal or the other. As constructive suggestions for improving the administration of the merit system in American municipalities, both are deserving of serious consideration. Incidentally, both are in accord with the growing tendency in private industry to place employment matters in the hands of men professionally equipped for the task and to give workers a greater share in determining the conditions of their employment.

A limited supply of copies of the report of the committee on civil service of the Governmental Research Conference has been furnished to the Bureau of Municipal Research of Philadelphia. Any interested person may secure a copy, free of charge, from the Bureau, as long as the supply holds out.

CITIZENS' BUSINESS

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Fixing the Tax Rate

University of Illinois Library
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No. 550

December 7, 1922

The tax rate is so big a subject and has so many ramifications that all its phases cannot possibly be dealt with in this issue. However, some of the most important of them are briefly set forth herein.

Some First Principles

Taxes are levied, of course, in order to secure money to meet the cost of conducting the city government. However, all costs are not met out of taxes, for the city has other income, and, within certain limits, it may raise some money by issuing bonds or otherwise borrowing.

For some years prior to the enactment of the present city charter the city had pursued the policy of levying too low a tax rate to secure enough revenue to meet its current expenses and had been issuing bonds to make up the deficiencies. The city charter of 1919, however, has put a stop to this costly and unjust practice, for it prohibits the city from borrowing money for current expenses (except on "emergency loans" payable within two years), and thus requires the levying of a high enough tax rate to meet all current expenses. At the outside, deficiencies are limited to an aggregate of \$2,000,000 at any one time and to a period of two years.

Tax Rates Limit Expenditures

Accordingly, once the rate is fixed, a more or less definite limit on expenditures is set up. Council ought, therefore, to have in mind the amount of expenditures for which it wishes to provide and also the limit of expenditures imposed by the rate or rates which it is contemplating for the following year.

The Normal Procedure

The best picture of this matter can, perhaps, be obtained by viewing the normal procedure.

Under the city charter Council receives from the Mayor on or before October 15 of each year a budget, showing, among other things, (a) the Mayor's recommendations for appropriations from taxes and other revenues of the city for the succeeding year; (b) a statement of certain obligations for which the law requires appropriations to be made for that year; and (c) a more or less detailed statement showing the amount of revenues available for appropriation for that year.

Consideration of the Budget

Council then considers the budget, determines what expenditures it wishes to authorize out of revenues, and fixes a tax rate adequate to cover those expenditures.

Council is not bound to accept any of the Mayor's recommendations but may do whatever it wishes with them. With the exception that full provision must be made for certain obligations, such as sinking fund instalments and interest on city bonds, Council may use its own discretion in making appropriations for city and county purposes, so long as these appropriations do not exceed the limit set by the tax rate.

The Limit of Appropriations

Unlike the Board of Public Education, which levies the taxes for the School District of Philadelphia, Council cannot determine for itself the amount of appropriations it may make out of revenues, but is limited by a calculation or estimate made by the City Controller on the basis of the tax rate of the year in question.

Thus in making the annual appropriations for 1923 Council finds itself limited to a total of \$59,214,802.72 of appropriations from revenues, for this is the figure which the City Controller has calculated under the provisions of the city charter.

According to the official statement the above amount has been arrived at as follows:

Taxes on real estate and horses and cattle, based on an estimated assessed valuation of \$2,279,062,000 at \$1.75 per \$100.	\$38,903,675.03	
Less amount estimated to be uncollectible in 1923	449,759.61	\$38,453,915.42
Taxes on money at interest and vehicles to hire, based on an estimated assessed valuation of \$680,000,000 at 40 cents per \$100....	\$2,720,000.00	
Less amount estimated to be uncollectible in 1923	44,922.48	2,675,077.52
Estimated amount of miscellaneous receipts		18,085,809.78
TOTAL		<u>\$59,214,802.72</u>

Councilmanic Discretion

This total does not include any amount for any "surplus" that may be carried over from the current year, and it is generally recognized that the actual receipts from revenues in 1923 will greatly exceed the total in question.

As Council may appropriate any surplus that may be carried over, and also may appropriate any "excess receipts" that the City Controller may certify during the year, it has become the practice for Council to take these two sources of appropriation into account in fixing the tax rate and in making the annual appropriations. As a matter of fact, in order to keep the tax rate down, Council could take into account the \$2,000,000 margin which it has in "emergency loans," and could resort to loan funds for capital outlays that normally are met out of revenues and also for reimbursing the revenue fund for capital outlays made from it in the preceding year.

Not an Index of Stewardship

From the foregoing it will be observed that, despite certain legal restrictions, Council has a considerable margin of discretion in fixing the tax rate for financing a given program of expenditures. A change in the rate does not necessarily imply a corresponding change in the amount of money spent, to say nothing of indicating the degree of economy or efficiency with which the affairs of the city government are being conducted. It is only by a penetrating analysis of the city's finances, taking a large number of factors into account, that any year's tax rate can be fairly compared with that of any other year.

The great enemy of knowledge is not error, but inertness. All that we want is discussion; and then we are sure to do well, no matter what our blunders may be. One error conflicts with another, each destroys its opponent, and truth is evolved.—Buckle.

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The Gas Problem is Still With Us

University of Illinois Library,
Urbana,
Illinois.

No. 551

December 14, 1922

If there is one problem which more than any other demands the attention of those interested in civic affairs, it is the gas problem.

THE Mayor, through a message to Council on November 29 recommending a further study of the gas lease and the gas system, has sought to focus attention on an important problem which has apparently been shelved during the past fifteen months on the assumption that it could be solved by inaction and indecision.

The Same Needs To Be Met

Many of the propositions set forth in the Mayor's message do not differ from those advanced by the gas commission in its report of May 1921. In fact we still have the same fundamental defects in the manner in which the gas system is being developed that existed in 1920 when the lessor opened the gas question by asking a change in the standard of gas quality. There is an even more pressing need now than there was then that the gas making facilities should be made modern and capable of supplying adequate and cheap gas service.

A New Factor Is Entering

The fact that the carrying out of the recommendations of the gas commission to rehabilitate the city's gas plant would have required the scrapping of the present gas lease, seems to have been a major obstacle to the proper solution of the gas problem. Apparently many persons have thought that it would be better to wait for the close of the lease on December 31, 1927—"to watch it out" in New Year's Eve style—and then to turn over a new leaf and accept the advice of gas specialists. Of course, this method of solution of the problem is inadvisable because the operator of the gas system after

1927, whether the city or a private company, must plan and build reasonably in advance of 1928 to take care of the increased demand for gas that will come in 1928 and subsequent years.

We Should Maintain the City's Investment

When viewed in the light of the recommendations of the gas commission, the present policy of "watchful waiting" is especially unsound. To wait five years before the system of gas manufacture is put upon an economical basis will mean depreciating the value of the gas works which now constitute an asset of nearly \$30,000,000. Besides, it will penalize the gas consumer who should receive the advantages of decreased costs of gas manufacture.

The Lessor's Obligation

It is reported that the lessor is now adding some plant equipment of the new type, but not to the extent recommended by the gas commission. That the company would rehabilitate the plant completely at its own expense in the five remaining years of the lease could hardly be expected. So long as the old lease is continued in effect, the legal obligation of the company is to provide a plant capable of manufacturing economically a high candle power gas, not a low heat unit gas which was recommended by the gas commission as providing the cheapest gas in the future.

Low Heat Value Gas Still Furnished

Doubtless the most conspicuous point in the gas situation is the fact that the low heat value gas has been supplied for over a year without official sanction. The company has continued since July 15, 1921, to receive the

financial advantage of manufacturing the 530 Btu gas in place of a 22 candle power gas. From August 15, 1920, to July 15, 1921, when the 530 Btu standard was actually substituted by agreement between the city and the company for the 22 candle power specification in the 1897 lease, the company's obligation under clause 8 of the 1897 lease to "maintain said gas works in first-class condition, with the best and most economical processes in use that are customary in the best regulated gas works" doubtless carried the obligation to rehabilitate the works to supply 530 Btu gas economically. Now, however, the low heat unit gas is being furnished *without any agreement* between the city and the company, and the company, therefore, would appear to be no longer under legal obligation to change the plant so that it will be better adapted for the manufacture of the low heat unit gas.

A New Plan Is Needed

If in the near future a low heat unit gas standard is to be officially adopted, it naturally is best that there should not be a temporary reversion to the 22 candle power standard with the resultant disarrangement of gas service. But it is a sad commentary on the capacity of the city government to handle major municipal problems, that the present condition of uncertainty should exist. What the city needs, apparently, is a definite plan based upon the findings of the gas commission. While the city may have lost somewhat the tactical advantage for purposes of negotiation which it held a year or so ago, the fact that new operating arrangements must be made after December 31, 1927, still leaves the city in a strong position to secure a favorable settlement.

Pol. Sci.

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The Children and Their Governments

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DEC 26 1922

Chicago Illinois

No. 552

December 21, 1922

"Children are the to-morrow of society."

—Whatley.

Concerning the Happiness of Children

CITIZENS' BUSINESS is gravely embarrassed this week. It cannot even make a show of spreading enlightenment on the chief concern of all good citizens at this moment: planning a reasonable fulfilment of certain dreams of bicycles, sleds, and dolls with real hair. Still, the children themselves are a good Christmas theme, and we may be permitted to speak of them, if not of Christmas presents. For, while the Bureau of Municipal Research has no toys or things to eat for the youngsters, and no experience in creating good cheer by that method, it likes to think that its efforts to obtain the best results from government are a no less substantial contribution to the happiness of the coming generation.

Government and Children

On the subject of government and its relation to the children, the mind naturally turns first to the splendid progress in health promotion, to the fight for better schools, to the more benign methods which are beginning to prevail in handling juvenile delinquency, and to many other kindred matters. These activities of government are important, and are destined to become tremendously more so. Yet there is another question fully as momentous as what our governments will do with the children, and that is what our children will be able to do with their governments. As they assume the responsibilities of citizenship will they find what we want them to find, governments which will respond with reasonable promptness to their reasonable demands?

Governments Which Backfire

One of the most insistent complaints heard to-

day is that our various governmental agencies do not so respond. Probably no one would contend that these complaints are entirely without justification. We live under constitutions which are not easily changed and which received their original sanction from men and ideas that have long since passed. Or we live in cities whose purely local affairs are regulated by state legislatures. From these and many other causes the machinery of government seems frequently to halt and backfire when it ought to run smoothly ahead. Much has been done in this country toward gearing government directly to the force of popular will. The recent adoption of the home-rule amendment in Pennsylvania was a long and encouraging step in this direction. Obviously, however, much remains to be done. The work must be done by us, and quickly, if we would have our children enjoy the fruits of our labor.

The Public Debts and the Children

Many a robust physical frame has been shattered by a burden of debt, and governments can be wrecked in the same way. It would be of small value to posterity to bestow upon it governments perfectly devised structurally, but ready to sink with financial obligations. Socially and economically nothing looms more ominously than this matter of public debt. It is a matter which will have to be reckoned with some day. The big question for us is whether *we* shall reckon with it, or adopt the easier course of passing the problem on, in aggravated form, to those who follow us. We are choosing the latter course now, and deliberately too. Our chief excuse for public borrowing is to make posterity shoulder certain financial burdens—not a pretty attitude, to be sure, to take toward one's children.

No Escape for the Children

The odd feature of the public debt situation is that men and women who struggle valiantly to avoid incurring private debts, and to pay off such as encumber them, think nothing of voting for public bond issues, and less about paying off the bonds. The inconsistency is probably explained by the fact that public debts do not seem to touch the citizen so intimately as private debts. A little thought, however, brings the conviction that the burden of public debt is no less inexorable than that of private debt. In fact, so far as the children are concerned, they are under no legal obligation to pay the personal debts of their parents, but they cannot escape public debts. Yet the business of heaping up city, township or borough debts, county debts, school debts, state debts and national debts, goes on at an appalling rate. To how many of us does it ever occur that the youngsters of today might appreciate just as much the gift of a government free of debt, as houses clear of mortgages and judgments?

A Cause for Prayer?

This is not exactly the season to be talking of such unpleasant things. Yet it will do no harm while we are satisfying the more immediate desires of the "young idea," to ponder whether such matters as are here discussed will not be much more vital to our children twenty years hence than their Christmas presents are now. If it can be avoided we don't want these children echoing that cynical wag who recently remarked: "We are the posterity for whom our ancestors prayed. Can you blame them?"

Merry Christmas!

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Poor Economy

*University of Illinois Library
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December 28, 1922

Just as there are cures that are worse than the disease, so there are forms of economy in public expenditures that are too costly for the community to afford.

ONE of the major obstacles to good civil service administration is lack of adequate appropriations. Nearly everywhere throughout the country our civil service commissions have been starved financially and hence have been prevented from undertaking many things that an employment department of government ought to be doing, or have done poorly the work actually undertaken. As pointed out in the recent report of the committee on civil service of the Governmental Research Conference, there are other causes of this deplorable condition; but one of them certainly is the lack of funds.

To Philadelphians the question naturally occurs: Is our own local commission similarly handicapped? Perhaps we may gain some light on this question by comparing the current appropriations for civil service purposes with those of 1915, the last "normal" pre-war year.

The New Charter Imposed New Duties

Before making this comparison, however, attention should be called to the fact that the work demands upon the commission are much greater today than they were in 1915. The city charter adopted in 1919 imposed upon that body several new functions. One of these was to pass upon cases of discipline and dismissal arising in the uniformed police and fire forces. The other was to classify positions in the city service according to duties and to recommend standard rates of pay for the various classes of positions to the Mayor and Council. In order to perform these additional tasks, the commission naturally is put to extra expense for salaries and supplies.

Growth in the Size of the Service

The size of the service, too, has greatly increased. While authentic figures on this point are not available for 1915, we may safely assume that the number of employes in the classified service in that year was not greater than it was in 1920, when the Civil Service Commission reported it to be about 12,800. Since that time, however, the city government has taken over the work of street cleaning and the collection and disposal of refuse and garbage. The result is that today we have approximately 17,000 employes in the departments under civil service, an increase over 1920 of almost one-third. That this expansion in the service means an additional tax upon the facilities of the commission seems obvious.

Higher Prices Have Increased Operation Costs

And then there is the marked increase in prices since 1915 which must not be overlooked. According to the U. S. Bureau of Labor Statistics, wholesale prices at the present time are about 55 per cent higher than in 1915, and retail prices as they affect the average family are 65 per cent above the level of eight years ago. It would appear, therefore, that if the amount of the appropriations to the Civil Service Commission has not been increased at least 60 per cent since 1915, then there has been an actual reduction in the purchasing power of the commission's annual allotment of funds.

What Appropriations Have Done

Now, how does the appropriation just made for 1923 compare with that of 1915? In the last mentioned year it was \$61,255.63. For next year it has been fixed at \$74,652.50, an increase of \$13,396.87, or slightly less than 22 per cent over 1915. Four thousand dollars of this increase, by the way, is due to the fact that all three of the members of the commission now receive \$5,000 a year in salary.

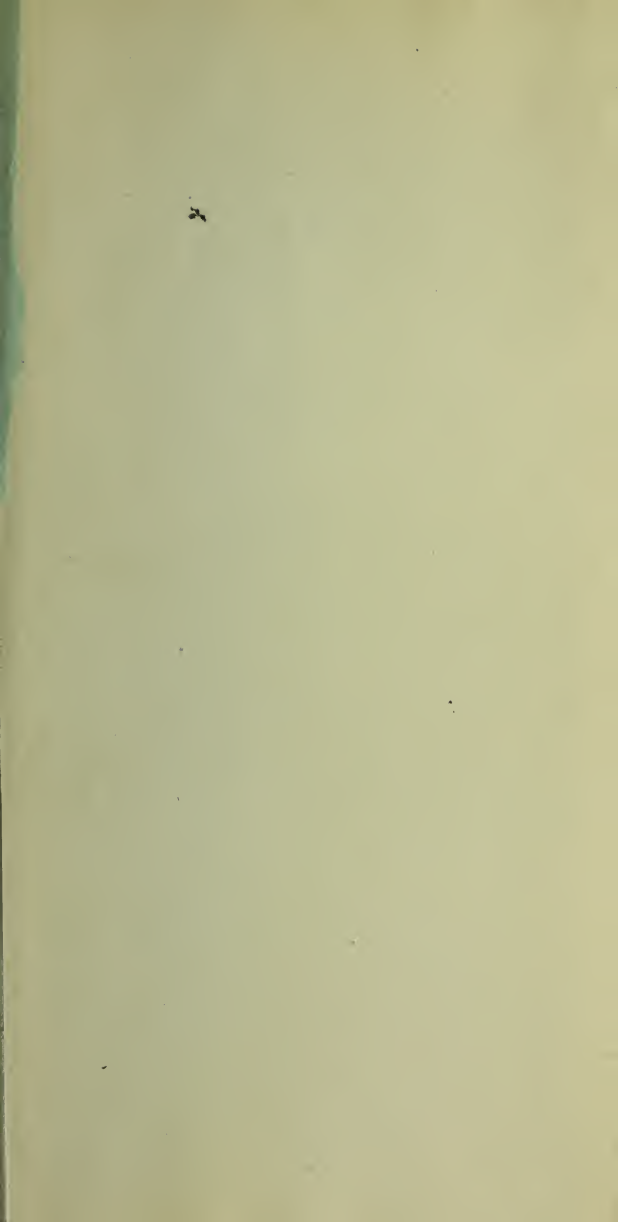
whereas in 1915 two of them were paid only \$3,000 a year. This means that during a period of increasing demands upon the commission, the purchasing power of its appropriation has been cut almost 14 per cent!

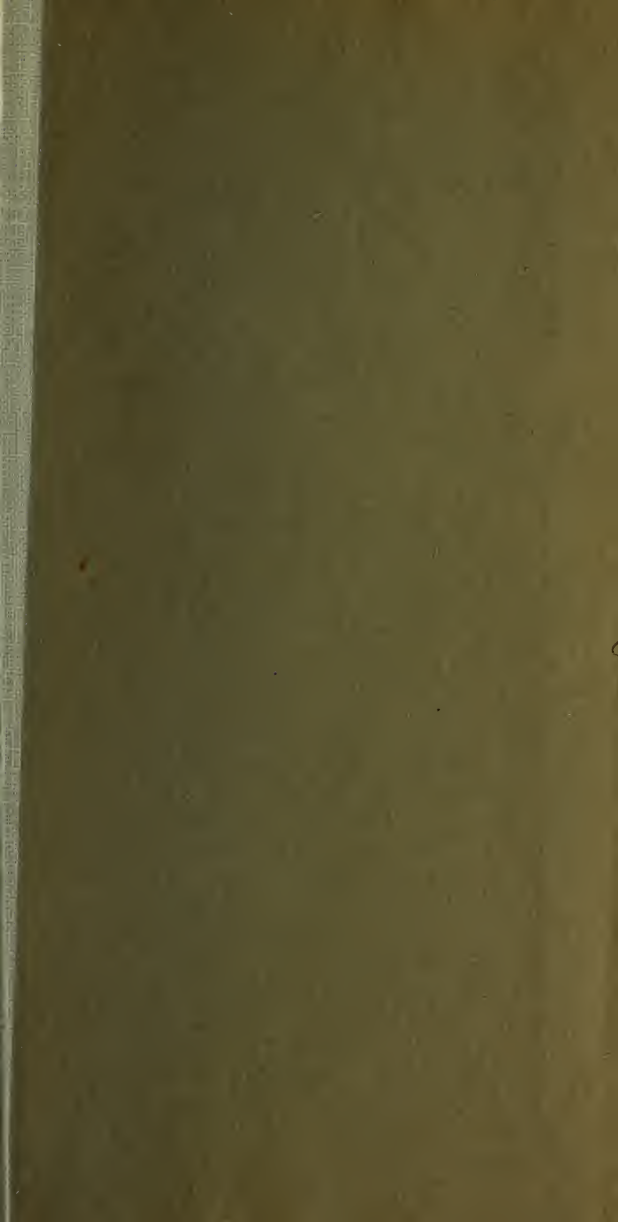
The Examining Staff Actually Reduced

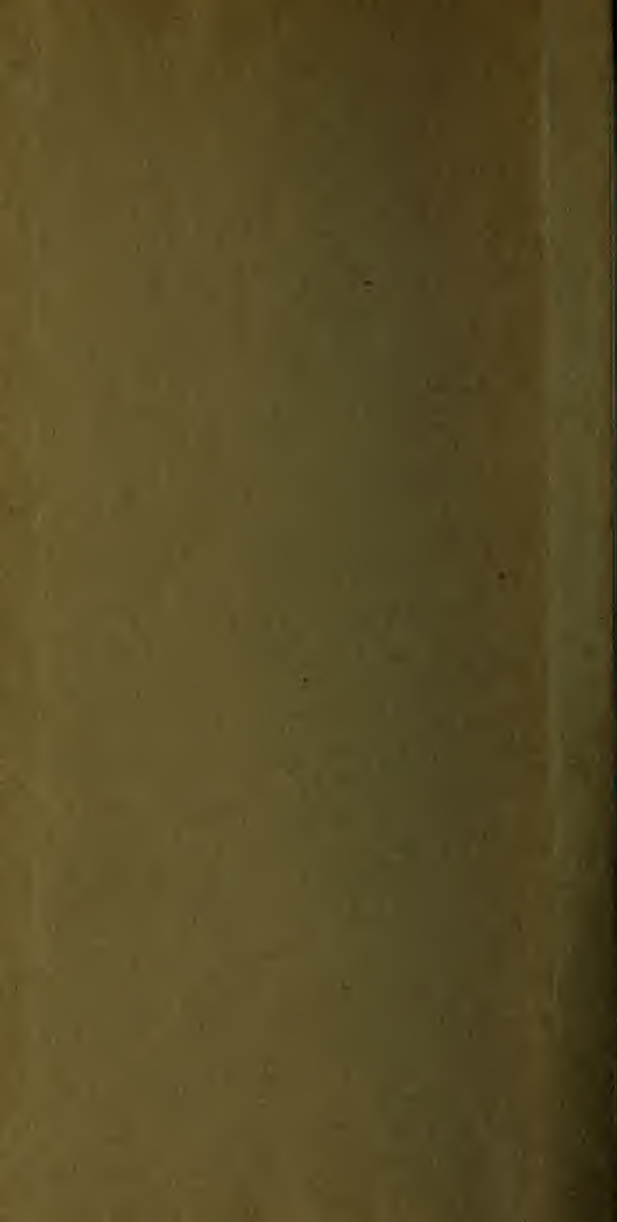
Perhaps the most unfortunate result of this "cut" is the reduction in the size of the examining staff. The Civil Service Commission today has fewer examiners than it had in 1915! It ought to have more than it had in that year. There is, for example, the classification and standardization program which should be pushed forward but which has been left practically untouched since 1920, when a special appropriation enabled the commission to start the work and to submit its initial report on the subject to Council. Unless a larger examining staff is provided for, there can be no further progress toward classification. The efforts of the commission to improve its tests are also rendered more difficult by its lack of an adequate staff.

When Economy Doesn't Pay

It is easy to succumb to the false notion that a reduction in expenditures for any given purpose necessarily means greater economy. No doubt some of our representatives in Council have voted to keep down the appropriations to the Civil Service Commission because they honestly believed they were thus saving money for the taxpayer. The saving, however, is more apparent than real. Upon the functioning of the Civil Service Commission depends in large measure the effectiveness of the 17,000 men and women who do the work of the city government. Of what profit is it to the taxpayers if they save a few thousand dollars in the expenses of the commission and thereby waste several hundreds of thousands of dollars in the form of lowered efficiency in the services our city government has been established to render?







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